PRIVATE BILLS AND RESOLUTIONS

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

By Mr. COFFEE of Washington: A bill (H. R. 10677) granting a pension to Zetta F. Tidwell; to the Committee on Pensions.

By Mr. LYNDON B. JOHNSON: A bill (H. R. 10678) for the relief of James McConnachie; to the Committee on Claims.

By Mr. MARTIN of Massachusetts: A bill (H. R. 10679) for the relief of Manuel G. Baptista; to the Committee on Claims.

By Mr. MURDOCK of Arizona: A bill (H. R. 10680) granting an increase of pension to Winnie Alexander; to the Committee on Invalid Pensions.

By Mr. MURDOCK of Utah: A bill (H. R. 10681) granting a pension to J. H. Mathews; to the Committee on Pensions.

By Mr. O'MALLEY: A bill (H. R. 10682) for the relief of Andrew F. Scheible; to the Committee on Claims.

By Mr. SHEPPARD: A bill (H. R. 10683) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Ben White, Arch Robinson, Lee Wells, W. S. Wells, A. J. McLaren, A. D. Barkelew, Oscar Clayton, R. L. Culpepper, W. B. Edwards, the estate of John McLaren, the estate of C. E. Wells, and the estate of Theodore Bowen; to the Committee on Claims.

By Mr. VINCENT of Kentucky: A bill (H. R. 10684) granting a pension to Della Adair; to the Committee on Invalid Pensions.

By Mr. WHELCHEL: A bill (H. R. 10685) awarding the Distinguished Service Medal to Capt. Edgar B. Dunlap, Infantry, Eighty-second Division; to the Committee on Military Affairs.

By Mr. WHITE of Idaho: A bill (H. R. 10686) authorizing the naturalization of Samuel F. Swayne; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

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

5152. By Mr. BATES: Petition of the General Court of Massachusetts memorializing Congress for the enactment of legislation, as proposed in House bill 4199, to promote the general welfare of the United States by alleviating the hazards and insecurity of old age; to the Committee on Ways and Means.

5153. By Mr. CARTER: Petition of the Board of Supervisors of the county of Alameda, State of California, praying for the enactment of House bill 4199, the general welfare bill, at this session of Congress, as a means of benefitting the entire Nation through the medium of aid to the aged; to the Committee on Ways and Means.

5154. By Mr. CURLEY: Petition of Local 13, Industrial Union of Marine and Shipbuilding Workers of America, urging enactment of the wage-hour bill; to the Committee on Labor.

5155. Also, petition of the United Photographic Employees Union, Local 415, urging enactment of the wage-hour bill; to the Committee on Labor.

5156. Also, petition of 3,000 citizens of New York City, members of Playthings and Novelties Local Industrial Union, No. 223, urging enactment of the wage-hour bill; to the Committee on Labor.

5157. Also, petition of 3,000 members of the New York Clothing Cutters Union, urging enactment of the wage-hour bill; to the Committee on Labor.

5158. Also, petition of 5,000 members of the Amalgamated Clothing Workers of America, Local 169, urging enactment of the wage-hour bill; to the Committee on Labor.

5159. By Mr. LUTHER A. JOHNSON: Petition of Pearle Burr, president of the Texas Library Association, favoring House bill 10340; to the Committee on Education.

5160. By Mr. LEAVY: Resolution adopted by the board of directors of the Green Bluff National Farm Loan Association and signed by the president, vice president, and directors thereof, urging the congressional delegation of our State to work for farm legislation that will bring to the farmer a reasonable return above the cost of production, to which he is justly entitled; and, further, that the farmer should be charged interest rates comparable to those paid by industry, such as the rate at present in effect on Federal land-bank loans, which rate should be continued permanently by act of Congress; to the Committee on Agriculture.

5161. By Mr. MAGNUSON: Proclamation by Hon. Clarence D. Martin, Governor of the State of Washington, appointing a commission to represent the State of Washington at the celebration of the three-hundredth anniversary of the first Swedish settlement in America; to the Committee on the Library.

5162. By Mr. PFEIFER: Petition of the Merchants Association of New York, urging enactment of the Barry bill (H. R. 2716), providing 2-cent rate of postage for Queens County; to the Committee on the Post Office and Post Roads.

5163. By the SPEAKER: Petition of the Young Democratic League of Colorado, petitioning consideration of their views on the existing monetary laws; to the Committee on Banking and Currency.

SENATE

WEDNESDAY, MAY 18, 1938

(Legislative day of Wednesday, April 20, 1938)

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

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, May 17, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum, and with that suggestion I ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Davis	King	Pope
Andrews	Dieterich	La Follette	Radcliffe
Austin	Donahey	Lewis	Russell
Bailey	Duffy	Lodge	Schwartz
Bankhead	Ellender	Logan	Schwellenbach
Barkley	Frazier	Lonergan	Sheppard
Berry	George	Lundeen	Shipstead
Bilbo	Gerry	McAdoo	Smathers
Bone	Gibson	McCarran	Smith
Borah	Gillette	McGill	Thomas, Utah
Bridges	Glass	McKellar	Townsend
Brown, Mich.	Green	McNary	Truman
Bulkley	Hale	Maloney	Tydings
Bulow	Harrison	Miller	Vandenberg
Burke	Hatch	Minton	Van Nuys
Byrd	Hayden	Murray	Wagner
Byrnes	Herring	Neely	Walsh
Capper	Hill	Norris	Wheeler
Caraway	Hitchcock	O'Mahoney	White
Chavez	Hughes	Overton	
Clark	Johnson, Calif.	Pepper	
Copeland	Johnson, Colo.	Pittman	

Mr. LEWIS. I announce that the Senator from Arizona [Mr. ASHURST] and the Senator from Oregon [Mr. REAMES] are absent because of illness.

The Senator from Oklahoma [Mr. LEE] is absent because of illness in his family.

The Senator from New Hampshire [Mr. BROWN], the Senator from Texas [Mr. CONNALLY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from West Virginia [Mr. HOLT], the Senator from New Jersey [Mr. MILTON], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Oklahoma [Mr. THOMAS] are detained on important public business.

Mr. AUSTIN. I announce that the Senator from North Dakota [Mr. NYE] is necessarily absent from the Senate.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ACTIVITIES OF CENTRAL TREASURY ACCOUNTS OFFICE

The VICE PRESIDENT laid before the Senate a letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report of a survey of the functions and activities of the Central Treasury Accounts Office of the Office of the Commissioner of Accounts and Deposits, Treasury Department, which, with the accompanying report, was referred to the Select Committee on Government Organization.

INDIAN RECLAMATION PROJECTS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the special Repayment Commission, which was appointed to study Federal and Indian reclamation projects, which, with the accompanying report, was referred to the Committee on Irrigation and Reclamation.

RESOLUTIONS OF MUNICIPAL COUNCIL OF ST. CROIX, VIRGIN ISLANDS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting resolutions adopted by the Municipal Council of the Municipality of St. Croix, Virgin Islands, petitioning Congress to refund to the Virgin Islands treasury taxes collected under internal-revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States, and also to authorize and reopen the hearing on the Christiansted Harbor proposition, which with the accompanying papers, was referred to the Committee on Finance.

PETITIONS

The VICE PRESIDENT laid before the Senate a petition of the Young Democratic League of Otero County, Colo., praying for the enactment of legislation to amend the Federal Reserve System as at present constituted and to restore the congressional function relative to coining and issuing money and regulating the value thereof, which was referred to the Committee on Banking and Currency.

He also laid before the Senate a letter in the nature of a petition from Manuel Baligdia, of Mati, Davao, P. I., praying for the enactment of the bill (H. R. 5030) granting pensions and increases of pensions to certain soldiers, sailors, and nurses of the War with Spain, the Philippine Insurrection, or the China Relief Expedition, and for other purposes, which was ordered to lie on the table.

Mr. WAGNER presented resolutions adopted by the City Council of Jamestown; the Mount Vernon Branch of the Westchester County American Labor Party, and the Association of Lithuanian Workers, of Brooklyn, all in the State of New York, which were referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

Whereas unemployment and mass purchasing power within the past few months have taken a turn for the worse; and

Whereas the President of the United States in his desire to stem this recession and improve the economic condition of the country has proposed to Congress a recovery program calling for greater participation of the Federal Government in fighting of this depression and for assistance to the public where private industry has failed to meet the problem; and

Whereas this Federal program will help the city of Jamestown, first, in meeting its relief program through the added assistance from W. P. A., second, by assisting in the construction of much-needed public projects, and finally by giving to some of the private industries in the city the added business involved in the Federal Government's program: Now, therefore, be it

Resolved, That the city council, in session assembled, respectfully petition the honorable Members of Congress to assist the city of Jamestown in fighting the depression by immediate enactment of the President's recovery program recommended directly to them and disclosed to the people of the United States in the President's message delivered on the 14th day of April 1938.

Whereas the President has announced a plan for a recovery program of Government aid toward (1) maintenance and extension of Federal relief, (2) wide credit expansion, (3) revival of public works projects; and

Whereas, with the recession growing more severe, Federal funds are urgently needed to provide employment for the workers thrown out of jobs by the curtailment of industrial activity; and

Whereas, in the face of the growing militancy of the reactionary forces in our country, the time has come for labor and all progressives to display a greater militancy in support of President Roosevelt and his progressive policies: Now, therefore, be it

Resolved, That the Mount Vernon branch of the Westchester County American Labor Party supports wholeheartedly the proposed plan of the President and will do its utmost to rally further support for it; and be it further

Resolved, That copies of this resolution be sent to our Representatives in Congress, urging them to vote for this progressive and humane legislation.

Sincerely yours,

SAM B. SHEUBER, *Secretary*.

Whereas there is a widespread unemployment in this country today, causing untold suffering and privation among the working citizens of the country; and

Whereas the President of the United States has recently presented to the Congress of the United States a new recovery program in order to reduce unemployment and bring the country out of suffering and the present condition of widespread unemployment by instituting various Government relief projects and especially employment for a large number of those who are at present suffering from unemployment; and

Whereas we see in the President's proposals improvement of the life and hope for the majority of the working people and, besides reducing unemployment, renewal of confidence of the workers in their Government, that it has the good of the people at heart and therefore is worthy of their confidence: Therefore be it

Resolved, That the Association of Lithuanian Workers, branch 1, at a meeting assembled at 419 Lorimer Street, Brooklyn, N. Y., on this day, May 5, 1938, do hereby call upon our Congressman and our Senator ROBERT F. WAGNER to support the President's newly proposed recovery program and to exert his influence on behalf of the recovery program.

Mr. WAGNER also presented petitions of sundry citizens of the State of New York, which were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, without the signatures, as follows:

MAY 9, 1938.

Senator ROBERT WAGNER,
House of the Senate, Washington, D. C.

DEAR MR. WAGNER: We the undersigned petition you to do the utmost within your power to maintain the present standard for white-collar projects in New York State. The plan in question reducing the man-year cost to $950 would seriously hamper our work. It would be impossible to continue our project and adequately serve the public under such a curtailed budget.

We need not tell you that the benefits to the community far surpass the cost of maintenance. We are particularly interested in the nursery-school project, which has not only received several cuts in personnel but also in operating costs. Any further cuts in this project, or any partial cuts, will impose severe hardships on the staff members, who are in desperate need of their jobs. Some of the schools which serve underprivileged communities might have to go out of existence if the man-year cost is reduced to $950.

We therefore urge you to allocate sufficient funds to continue the work on its present basis.

Yours truly.

MAY 13, 1938.

DEAR SENATOR WAGNER: We the undersigned do earnestly petition you that you may use your influence in office to help adjust and correct the injustice and hardship suffered by us as hereinafter stated and described.

We belong to the so-called white-collared class (technical and professional) representative of practically every walk of life, and are employed in White Plains and throughout Westchester on various W. P. A. projects set up in the aforesaid county and approved by the Federal Government.

These projects have been set up under certain classifications and rates of pay, and the men selected to perform these duties have been carefully chosen in accordance with their qualifications. The salaries on these projects were to be $94.80 and $85.20, which is the least a man and family can possibly exist on today in Westchester County.

We have been notified, through Albany, that beginning with this work period, i. e., May 9, we have been reclassified (on the same project doing the same work) and that our pay will be reduced to $65.80 per month. In the meantime, the working hours have been increased from 120 hours per month to 140 hours, thus affording us no time, except a Saturday morning, to continue our persistent search for work in private business and at the same time reducing us to the lowest wage bracket of W. P. A. employment.

We believe that one of the objects of the W. P. A., along with providing a living wage, was to help maintain the morale of our particular class and encourage the seeking of outside employment, but we realize that this latest action of the administration unquestionably will destroy whatever hope for better conditions we may have anticipated.

We feel that we are being unfairly treated and a hardship placed upon us, and since as the white-collared class we belong to no union or other organization to plead our cause and therefore

cannot put our plea in organization form for reasonable and just consideration, we therefore beseech you and our other representatives to intercede in our behalf that we may at least receive a living wage for our labor and our former rates restored without delay.

Mr. WAGNER also presented a memorial of sundry citizens of the State of New York, which was referred to the Committee on the Library and ordered to be printed in the RECORD, without the signatures, as follows:

CULTURE FOR THE MASSES

We, the undersigned, being citizens and students, protest the $1,000 annual top cost per man as being destructive to the operation and continuation of the art projects.

REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9801) to provide for the retirement, rank, and pay of Chiefs of Naval Operations, chiefs of bureau of the Navy Department, the Judge Advocates General of the Navy, and the Major General Commandant of the Marine Corps, reported it with amendments and submitted a report (No. 1799) thereon.

Mr. LOGAN, from the Committee on the Judiciary, to which was referred the bill (H. R. 8700) relating to the retirement of the justices of the Supreme Court of the Territory of Hawaii, judges of the circuit courts of the Territory of Hawaii, and judges of the United States District Court for the Territory of Hawaii, reported it with amendments and submitted a report (No. 1800) thereon.

Mr. WAGNER, from the Committee on Banking and Currecy, to which was referred the bill (S. 4022) to amend the Federal Reserve Act in regard to charitable contributions, and for other purposes, reported it with an amendment and submitted a report (No. 1801) thereon.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

Mr. WAGNER, from the Committee on Banking and Currency, reported favorably the nomination of George C. Mathews, of Wisconsin, to be a member of the Securities and Exchange Commission for the term expiring June 5, 1943 (reappointment), which was ordered to be placed on the Executive Calendar.

LONG-AND-SHORT-HAUL PROVISION OF INTERSTATE COMMERCE ACT—MINORITY VIEWS

Mr. WHEELER (for himself, Mr. SHIPSTEAD, and Mr. TRUMAN) from the Committee on Interstate Commerce, submitted the views of the minority to accompany the bill (H. R. 1668) to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U. S. C., title 49, sec. 4), heretofore reported, which were ordered to be printed as part 2 of Report No. 1768.

A MANUAL OF THE PLAN OF WASHINGTON

Mr. HAYDEN. Mr. President, from the Committee on Printing, I report a resolution and ask unanimous consent for its present consideration. The resolution is not in the usual form, because it is the desire of the committee that this document be printed as a sale publication. The Public Printer estimates that it can be printed at a profit to the Government. There will be no large number of copies for free distribution.

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

There being no objection, the resolution (S. Res. 280) was considered and agreed to, as follows:

Resolved, That the manuscript entitled "A Manual of the Plan of Washington," prepared by H. P. Caemmerer, be printed, in such style and manner as may be directed by the Joint Committee on Printing, as a Senate document.

BILLS INTRODUCED

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

By Mr. NEELY:

A bill (S. 4039) granting a pension to Herman Meikle; to the Committee on Finance.

A bill (S. 4040) granting an increase of pension to Isabel Gammon; to the Committee on Pensions.

By Mr. SMATHERS:

A bill (S. 4041) granting the consent of Congress to the State of New Jersey and the Commonwealth of Pennsylvania to enter into compacts or agreements with respect to constructing, maintaining, and operating a vehicular tunnel under the Delaware River; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 4042) to amend the World War Adjusted Compensation Act; and

A bill (S. 4043) extending the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to provisional, probationary or temporary officers of the Army, Navy, Marine Corps, and Coast Guard who served during the World War; to the Committee on Military Affairs.

By Mr. PITTMAN:

A bill (S. 4044) to authorize the President to permit citizens of the American Republics to receive instruction at professional educational institutions and schools maintained and administered by the Government of the United States or by Departments or agencies thereof; to the Committee on Foreign Relations.

By Mr. BYRD:

A bill (S. 4045) providing for a survey with preliminary estimates of cost for the proposed construction of railroad and automobile truck tunnels across the Potomac River; to the Committee on Public Buildings and Grounds.

By Mr. WAGNER:

A bill (S. 4046) to amend the Federal Reserve Act with respect to foreign branches and agencies of national banks and corporations engaged in foreign banking and for other purposes; to the Committee on Banking and Currency.

By Mr. HAYDEN:

A bill (S. 4047) to return a portion of the Grand Canyon National Monument to the public domain; to the Committee on Public Lands and Surveys.

By Mr. COPELAND:

A bill (S. 4048) to amend section 4197 of the Revised Statutes, as amended (46 U. S. C. 91) and section 4200 of the Revised Statutes (46 U. S. C. 92), and for other purposes; and

A bill (S. 4049) to amend section 4132 of the Revised Statutes as amended; to the Committee on Commerce.

FEDERAL AID TO EDUCATION—AMENDMENT

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education, which was ordered to lie on the table and to be printed.

RELIEF AND WORK-RELIEF APPROPRIATIONS—AMENDMENTS

Mr. POPE submitted amendments intended to be proposed by him to the joint resolution (H. J. Res. 679) making appropriations for work relief, relief, and otherwise to increase employment by providing loans and grants for public-works projects, which were referred to the Committee on Appropriations and ordered to be printed.

Mr. TYDINGS submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 679) making appropriations for work relief, relief, and otherwise to increase employment by providing loans and grants for public-works projects, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. RUSSELL submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 679) making appropriations for work relief, relief, and otherwise to increase employment by providing loans and grants for public-works projects, which was referred to the Committee on Appropriations, ordered to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. RUSSELL to the joint resolution (H. J. Res. 679) making appropriations for work relief, relief, and otherwise to increase employment by providing loans and grants for public-works projects, viz: Add a new title, as follows:

"TITLE V

"SEC. 401. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, the sum of $212,000,000 to enable the Secretary of Agriculture to

make price-adjustment payments to producers of wheat, cotton, and corn in the commercial corn-producing area upon the normal yield of the acreage planted to the commodity for harvest in 1938 not exceeding the farm-acreage allotment for the commodity in connection with the 1938 agricultural conservation program. Such payments shall be conditioned upon not exceeding the farm-acreage allotment for the commodity allotted under the 1939 agricultural conservation program and shall be made at a rate equal to the amount by which the average farm price for the commodity is less than 75 percent of the parity price for the commodity as defined in section 301 of the Agricultural Adjustment Act of 1938, but shall not exceed 2 cents per pound in the case of cotton, 8 cents per bushel in the case of wheat, nor 5 cents per bushel in the case of corn. In determining parity prices and farm prices the period July 1, 1938, to November 30, 1938, shall be used in the case of wheat, the period August 1, 1938, to December 31, 1938, in the case of cotton, and the period October 1, 1938, to February 28, 1939, in the case of corn. In administering this title said sum shall be available for the employment of persons and means in the District of Columbia and elsewhere, rent in the District of Columbia, and printing and binding, and the provisions of law relating to the appointment and compensation of persons employed by the Agricultural Adjustment Administration shall apply. The Secretary of Agriculture is authorized to issue such rules and regulations as may be necessary to administer this title. In case any person who is entitled to payment hereunder dies, becomes incompetent, or disappears before receiving such payment or is succeeded by another who renders or completes the required performance, payment shall, without regard to any other provisions of law, be made as the Secretary of Agriculture may determine to be fair and reasonable in all circumstances and provided by regulations. The provisions of other titles of this joint resolution shall not be applicable to this title.

"SEC. 402. This title may be cited as the 'Price Adjustment Act of 1938.'"

ADDRESS BY SENATOR BULKLEY AT TESTIMONIAL DINNER TO DR. ABBA HILLEL SILVER

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an address delivered by Senator BULKLEY at the dinner in honor of Dr. Abba Hillel Silver, at the Hotel Biltmore, New York City, on May 3, 1938, which appears in the Appendix.]

LABOR, LAWYERS, AND THE NEW DAY—ADDRESS BY HON. JOSEPH B. KEENAN

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD an address entitled "Labor, Lawyers, and the New Day," delivered by Hon. Joseph B. Keenan, Assistant to the Attorney General, before the Kansas City Bar Association at Kansas City, Mo., on May 14, 1938, which appears in the Appendix.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 51. An act for the relief of the Fred G. Clark Co.; and

S. 1242. An act for the relief of Stanley A. Jerman, receiver for A. J. Peters Co., Inc.

The message also announced that the House had passed the bill (S. 3526) to provide for reimbursing certain railroads for sums paid into the Treasury of the United States under an unconstitutional act of Congress, with amendments, in which it requested the concurrence of the Senate.

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

H. R. 2171. An act for the relief of Frank Burgess Bruce;

H. R. 2345. An act for the relief of Joseph Noel Roberts;

H. R. 3232. An act conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on the claims of Joliet National Bank, of Joliet, Ill., and Commercial Trust & Savings Bank, of Joliet, Ill., arising out of loans to the Joliet Forge Co., of Joliet, Ill., for the providing of additional plant facilities and material for the construction of steel forgings during the World War;

H. R. 4443. An act for the relief of Meta De Rene McLoskey;

H. R. 5006. An act for the relief of DeWitt F. McLaurine;

H. R. 6784. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Velie Motors Corporation; and

H. J. Res. 281. Joint resolution to authorize sales and exchanges by the State of Wisconsin notwithstanding certain provisions in the act of August 22, 1912 (37 Stat. 324).

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1465. An act for the relief of Beryl M. McHam;

S. 2257. An act for the relief of Helene Landesman;

S. 2644. An act for the relief of Sherm Sletholm, Loneata Sletholm, Lulu Yates, Madeline Yates, and the estate of Ella A. Morris;

S. 2676. An act to amend the act approved August 24, 1935, entitled "An act to authorize the erection of a suitable memorial to Maj. Gen. George W. Goethals within the Canal Zone";

S. 2966. An act authorizing the Comptroller General to settle and adjust the claim of H. W. Adelberger, Jr.;

S. 2967. An act authorizing the Comptroller General to settle and adjust the claim of Tiffany Construction Co.;

S. 3103. An act for the relief of the Comision Mixta Demarcadora de Limites Entre Colombia y Panama;

S. 3149. An act authorizing the Interstate Bridge Commission of the State of New York and the Commonwealth of Pennsylvania to reconstruct, maintain, and operate a free highway bridge across the Delaware River between points in the city of Port Jervis, Orange County, N. Y., and the borough of Matamoras, Pike County, Pa.;

S. 3213. An act to amend the act entitled "An act authorizing the Oregon-Washington Board of Trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oreg.," approved June 13, 1934, as amended;

S 3220. An act to authorize the Secretary of the Treasury to transfer the title and all other interests in the old tower clock from the Escambia County Courthouse Building, acquired by the Government by deed, to the Pensacola Historical Society of Pensacola, Escambia County, Fla.;

S. 3532. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.;

S. 3595. An act to authorize the purchase and distribution of products of the fishing industry;

S. J. Res. 253. Joint resolution extending for 2 years the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and the Tripartite Claims Commission, and extending until March 10, 1940, the time within which Hungarian claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the War Claims Arbiter;

S. J. Res. 284. Joint resolution to authorize an appropriation for the expenses of participation by the United States in the Third Pan American Highway Conference; and

S. J. Res. 285. Joint resolution to authorize and request the President of the United States to invite the International Union of Geodesy and Geophysics to hold its Seventh General Assembly in the United States during the calendar year 1939, and to invite foreign governments to participate in that general assembly; and to authorize an appropriation to assist in meeting the expenses necessary for participation by the United States in the meeting.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

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

H. R. 2171. An act for the relief of Frank Burgess Bruce;

H. R. 2345. An act for the relief of Joseph Noel Roberts;

H. R. 3232. An act conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on the claims of Joliet National Bank, of Joliet, Ill., and Commercial Trust & Savings Bank, of Joliet, Ill., arising out of loans to the Joliet Forge Co., of Joliet, Ill., for the providing of additional plant facilities and material for the construction of steel forgings during the World War;

H. R. 4443. An act for the relief of Meta De Rene McLoskey;

H. R. 5006. An act for the relief of DeWitt F. McLaurine; and

H. R. 6784. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Velie Motors Corporation; to the Committee on Claims.

H. J. Res. 281. Joint resolution to authorize sales and exchanges by the State of Wisconsin notwithstanding certain provisions in the act of August 22, 1912 (37 Stat. 324); to the Committee on Public Lands and Surveys.

ACTION OF FOREIGN RELATIONS COMMITTEE ON EMBARGO RESOLUTION—PERSONAL STATEMENT

Mr. PITTMAN. Mr. President, there are two columnists who write from Washington and frequently discuss political matters. I do not think that they are exactly assigned to the work of the committees of the Senate. Ordinarily I would not pay any attention to their articles; I never pay any attention to them when they misrepresent facts with regard to myself; but I feel it my duty, as chairman of the Foreign Relations Committee, to call attention to misstatements of facts contained in one of their articles, not only with regard to the action of the committee but with regard to the action of various Senators, members of that committee, who were present at a recent meeting.

Let me say at this time that these are the only writers of whom I know who have misrepresented the facts with regard to the action of the Foreign Relations Committee, or have failed to give the entire facts with regard to any action of the committee. There is absolutely no excuse for a misstatement of the facts in this case. Immediately after every meeting of the Foreign Relations Committee the representatives of the press associations and other writers on subjects over which the committee has jurisdiction are invited into the committee room and are given all the facts with regard to the meeting.

On Friday, May 13, there was a special meeting of the committee to consider Senate Joint Resolution 288, introduced by the Senator from North Dakota [Mr. NYE], providing for lifting the embargo upon the shipment of arms, ammunition, and implements of war to the Government of Spain. A special meeting was held because it was the desire of the Senator from North Dakota to have action as quickly as possible on the joint resolution. The Senator from North Dakota introduced the joint resolution on Monday, the 2d day of May. At the time he introduced it he told me that the session was rapidly drawing to an end, and that there were other reasons why, if action was to be had on the joint resolution, it should be taken without delay. As chairman of the committee, I promised him that I would expedite the hearing as much as possible.

As I have said, the joint resolution was introduced on Monday. On Tuesday morning the printed copies of the joint resolution had not yet been received by the committee; so on Tuesday morning I immediately forwarded to the State Department a copy of the joint resolution as it appeared in the CONGRESSIONAL RECORD. Shortly after that, when the printed copies of the joint resolution came into the possession of the committee, I wrote the following letter to the Secretary of State:

WASHINGTON, D. C., *May 3, 1938.*

Hon. CORDELL HULL,
Secretary of State, Washington, D. C.

MY DEAR MR. SECRETARY: I herewith enclose you copy of a joint resolution (S. J. Res. 288) introduced by Senator NYE on yesterday, and referred to the Foreign Relations Committee.

Senator NYE is urging immediate action on the resolution. I hope that you can send up a report so that we can use it at the meeting of the committee tomorrow.

Sincerely yours,

KEY PITTMAN, *Chairman.*

It will be observed from the letter that I was making every effort to carry out my promise to the Senator from North Dakota. I was urging the Secretary, if possible, to send an immediate reply, so that we could consider the joint resolution on the next day.

On Wednesday morning, about 10 o'clock, I received a telephone message from the Solicitor of the State Department informing me that it would be impossible for them, within such a short period of time, to investigate certain matters upon which the report would be based. I told the Senator from North Dakota of this communication. I was asked with regard to the matter by various members of the press who generally report matters connected with the Foreign Relations Committee, and the matter thus became one of public notice. I also stated through the press at that time, and the statement was published, that by reason of the desire of the Senator from North Dakota to obtain early action on the joint resolution, just so soon as the reply came from the State Department I would give notice of it and call a special meeting of the committee, and that the Senator from North Dakota, of course, would be at full liberty to come before the committee and make any statement he saw fit to make with regard to the joint resolution.

The Senator from North Dakota then asked me when I thought the reply would be received. I told him that I knew the State Department was making every effort to expedite the reply, and that it might come in any day, and that when it did I would call a special meeting of the committee.

The reply came in on the afternoon of Thursday, May 12. The minute the reply was received, I had the secretary of the committee telephone to the office of every Senator who was a member of the committee. In cases in which the Senator himself could not be reached, his secretary, or whoever was present in the office, was told of the importance of the meeting on the next morning, and the Senator was urged to be present.

Commencing at 9 o'clock on the morning of the 13th of May, when the meeting was held, the clerks in my office again telephoned to the office of every Senator who is a member of the committee, stating the matter which was coming before the meeting, and urging the Senator to be present, if possible.

At 10:30 on the morning of the 13th a quorum of the committee was present. The committee, however, did not take any action until 10 minutes after convening. It was 10:40 when, as chairman of the committee, I proceeded to open, in the presence of the committee, a large envelope with seals on it, including other envelopes with seals on them, which contained the original letter from the Secretary of State and mimeographed copies of the letter.

The mimeographed copies of the letter were then placed before each Senator so that they might be read. After the letter was read there was no discussion of the letter. One or two Senators stated that it met with their approval. No issue was taken with the letter or any statement in it. After there had been expressions by members of the committee which indicated to my mind and to the minds of some of the other Senators that there was quite a unanimity of opinion in the committee, I asked what procedure was suggested on behalf of the committee. One of the Senators present stated that the Senator from North Dakota [Mr. NYE] was absent, and that he thought the Senator from North Dakota should be heard before any action was taken. Another Senator spoke up and said, "I think that is a courtesy we owe to Senator NYE." There was some further discussion as to whether the Senator from North Dakota desired to appear before the committee.

I announced to the committee what I have announced here with regard to my discussions with the Senator from North Dakota. I told the committee that on the same morning, at 9 o'clock, the office of the Senator from North Dakota had been contacted to ask if he desired to come before the committee, and his secretary informed me that the Senator from North Dakota had gone to North Dakota and would not be back until the following Wednesday.

As there was no written communication from the Senator from North Dakota, and as it was not certain whether or not he would decide to pursue the matter further, in view of the apparent unaniminity of opinion in the committee, it was suggested that a motion might be submitted to postpone indefinitely action on the joint resolution. That matter was dis-

cussed for a few minutes, and then the chairman suggested that if the motion to postpone indefinitely should be carried, it should be with the understanding that if and when the Senator from North Dakota returned, he desired to have a reconsideration of the motion, the motion to reconsider would be entered and he would be heard.

On that understanding of the matter, and no rights of Senator NYE being affected, a motion to postpone indefinitely was made. That motion was made after 11 o'clock, so I am advised by the secretary. The vote was taken by the holding up of hands. All of those present voted in the affirmative except one Senator, who voted in the negative. There was no other business before the committee, and a motion to adjourn was adopted.

Mr. President, these facts were given to the press, given to the responsible press, in whom we have every confidence, and they were accurately reported throughout this country. I do not know of any false reports which have been made by any reporters or journalists or writers except the two distinguished journalists who write a column daily from this city. Nor would I think it necessary to pay attention to the misstatements and vicious misrepresentations in their article were it not that it reflects upon an honorable committee of this body, who, so far as I know, have never resorted to any underhand method with regard to the consideration or the report of bills.

Mr. President, it is more necessary to correct these statements by reason of the fact that the writers of these articles are able journalists, write in a very entertaining style, and have a great list of readers through their syndicated articles. They are astute writers of syndicated articles and they know how to get subscribers. They thoroughly realize that an article which attacks is more interesting, as a general rule, than one which merely states facts. They are totally disregardful of truth. That plays no part in their conception of journalism at all. They do not care whether their articles are of value to their reading public. The question is, will they get more readers and more subscribers.

Mr. President, I think it is a deplorable thing that men who are capable of so splendidly advising the public should so degenerate as to be willing to misadvise the public for money.

Now, let us take this article, and this is only one of a series of similar attacks. The article reads:

> The inside story of the Senate Foreign Relations Committee session which voted down the Nye resolution on the Spanish embargo was one of the most amazing in recent parliamentary history.

I have stated the fact of the calling of the meeting and the holding of the meeting.

> But last week, in considering the Nye resolution lifting the embargo against arms shipments to Spain, it was different. Among other interesting developments was the presence of Senator PAT HARRISON, of Mississippi, who has not attended a session of the committee for weeks. But this time he was present in all his wisecracking glory.

That is not true. The Senator from Mississippi has attended our committee meetings whenever he possibly could. Of course, during the period of time when the Committee on Finance, of which he is chairman, was considering important tax legislation, and other matters, it was impossible for the Senator from Mississippi to be present.

I read further from the article:

> KEY PITTMAN, Mississippi-born chairman of the committee, had prepared things very carefully. He had mimeographed the copy of Secretary Hull's letter opposing the resolution, and had a copy placed on the green baize table in front of each Senator.

The envelope was opened up in the presence of the committee. The mimeographed copies were not prepared by the chairman of the committee; they were prepared by the State Department and were taken out of the envelope and distributed to the members of the committee and to the press at the same time.

> This was a special committee session. Strangely enough, notice of the meeting was not sent to Senator BORAH, one-time Republican chairman of the committee, still its most powerful member, until late the preceding night.

That is not true. The notice was short. As a general thing, written notices are sent out. But I have already stated the care and the precaution and the effort we made to get a notice to every member of the committee. I think we did get notice to every member of the committee and of the matter to be considered.

Any Senator has a right to move to reconsider if he so desires. I do not know of a time when any member of the Committee on Foreign Relations ever expressed a desire for reconsideration when it was not granted without any question whatever. Several days have passed, and no Senator has yet even suggested to the chairman of the committee that he desires to make a motion to reconsider.

The article further states:

> And, as if by prearrangement, Senator GEORGE, of Georgia, who needs administration support in his primary, moved for immediate action against the Nye resolution.

Mr. President, that is not true. The Senator from Georgia did not move for immediate action. The only motion the Senator from Georgia made was after everything was finished, and no Senator had anything else to present, the Senator from Georgia moved that we adjourn.

Reading further from the article:

> At this point Senator LEWIS, of Illinois, close friend of Under Secretary of State Welles, said that NYE was absent from the city.

The Senator from Illinois may have made such a statement, but the chairman of the committee had long before that time made the statement which I have already repeated to the Senate.

Listen to this violent misstatement of fact:

> He got immediate and emphatic support from Senator HIRAM JOHNSON of California, who said: "Why wait?"

"Why wait?" is in quotation marks.

> "Let's vote this resolution down immediately. It will save us from being deluged with a lot more mail."

That is not only absolutely false, but it is false without any foundation whatsoever. As a matter of fact, I think I am at liberty to state that the Senator from California said, "Why not wait until Senator NYE gets back before we take any action?"

I may say that the Senator from Michigan [Mr. VANDENBERG] said the same thing. I do not think either of them will object to my stating that as a fact. There was no objection by any member of the committee to that suggestion by the Senator from California and the Senator from Michigan.

The advisability of taking the action was discussed for 4 or 5 minutes, and, as I have stated, it was quite uncertain whether the Senator from North Dakota would desire to appear before the committee. In view of the apparent unanimity of the committee, and in view of the futility, in my opinion, and probably in that of other members of the committee, of any motion to reconsider, it was doubtful whether or not he would come. On the suggestion of the chairman that all of the Senator's rights could be preserved in the matter, if he should desire when he came back to have a reconsideration and to discuss the resolution, by entering a motion to reconsider and by hearing him on the subject, the action was taken. The rights of the Senator from North Dakota [Mr. NYE] are just as well protected now as ever they were.

A little further down in the article it is stated:

> It was at this point that late-notified Senator BORAH walked into the room. The meeting was just breaking up. But he was told that Senator NYE could move to reconsider the matter when he returned.

That is a fact.

But the article further says:

> Suspicious, Senator BORAH later came back to the committee room to examine the wording of the resolution. He found that the clerk, either by intent or mistake, had not even copied it correctly, that under the clerk's wording, Senator NYE could not move to reconsider.
>
> BORAH demanded a change of the wording, and got it.

There is not a word of truth in that. This is the way the clerk had the memorandum written down in his minutes:

On motion by Mr. HARRISON, duly seconded, the committee voted to indefinitely postpone action on the joint resolution (S. J. Res. 288), with the understanding that if Senator NYE, its author, upon his return to Washington, desires to appear before the committee and request a reconsideration of its vote, that the committee will extend such privilege to him.

That is the way it was written. I suggested a change in it, to strike out "will extend such privilege to him" and to insert these words: "will enter a motion to reconsider the vote and hear the Senator on the question." I suggested that because the Senator from North Dakota [Mr. NYE], not being a member of the committee, cannot make a motion to reconsider, and it became the duty, under that understanding, for the chairman to make a motion to reconsider, if the Senator from North Dakota desired to have it made.

At that meeting, at which there was the largest attendance that I have known to be present at any meeting during this session, the following Senators were present: PITTMAN, HARRISON, GEORGE, CONNALLY, LEWIS, THOMAS of Utah, VAN NUYS, DUFFY, POPE, MURRAY, CHAVEZ, GREEN, JOHNSON of California, CAPPER, VANDENBERG, and WHITE.

The Senator from New York [Mr. WAGNER] and the Senator from Kentucky [Mr. BARKLEY] telephoned to the chairman. The proposed motion to postpone was stated to them and they asked the privilege of having their names voted in the affirmative. There was one negative vote.

I think under the explanation made in the committee the chairman and the committee were doing everything in their power to carry out the wishes of the Senator from North Dakota [Mr. NYE] to expedite action upon his resolution. There was every reason why action should be expedited, not only because of the small amount of time remaining in the present session of Congress but also by reason of the conditions which seemed to justify the Senator from North Dakota in offering the resolution.

There were still other reasons for expedition. So long as the resolution was pending it was the subject of violent dispute in this country, and every member of the committee and every Senator was being harassed by thousands of letters and telegrams of every character and kind. The matter was of the character which should be disposed of without delay, and it was disposed of.

I wish to say that I dislike to reply to articles appearing in the press. No one ever wins a fight of that kind. There is no limit to the replies that can be made to a speech, whether or not they be material or relevant. Those who attempt to present the truth to the country through the press can again be besmirched by men who care nothing for the truth, but find it more profitable to misrepresent the facts. There is no remedy whatever against such character of journalism. Nevertheless, when a committee of the Senate is attacked, as this attack has been made, and misrepresentations are indulged in, not only as to the action of the committee but as to the action of various members of the committee, I feel it the duty of the chairman at least to present the facts to the country through the CONGRESSIONAL RECORD.

Mr. BORAH. Mr. President, there is one feature of this matter to which I think I should refer, lest there be a wrong inference drawn.

I was not present at the time the joint resolution was considered. There was no one at fault in regard to my not being present except myself. I received the notice from my secretary at my home about half past nine on the morning of the meeting of the committee. I was notified by my secretary that there would be a meeting at 10:30. I had in the meantime made an engagement with reference to another matter, so I undertook to fill that engagement, and made a miscalculation as to whether I could reach the Senate Foreign Relations Committee in time to have a part in the discussion. I undertook to fill the engagement, but cut it short and reached the committee room, as a matter of fact, at 7 minutes to 11. The Senator from Nevada seems to be of the opinion the resolution was not acted upon until 11 a. m., but I think he must be in error, as I reached the committee room at 7 minutes of 11 a. m. As I entered the room I observed that the meeting had broken up—the meeting had adjourned—and I asked if the matter had been postponed. Members of the committee said it was indefinitely postponed with the understanding that the Senator from North Dakota [Mr. NYE] could move for a reopening or have his friends move for a reopening of the question when he came back.

So far as my being absent from the meeting is concerned, it was not the fault of the chairman; it was not the fault of the committee. It was my fault. Having the other engagement, I thought I could reach the committee before it would dispose of a resolution of this kind; and naturally I assumed also, knowing that the Senator from North Dakota [Mr. NYE] was absent, that the matter probably would not be disposed of that morning, but that again was my judgment and not someone's else judgment.

I wish to make this statement because I do not want the inference drawn that I was not notified. I was notified at the time I have specified. I had no doubt of my ability to meet a previous engagement and still have time to have a part in disposing of the joint resolution.

CONSIDERATION OF UNOBJECTED-TO BILLS ON THE CALENDAR

Mr. LEWIS. Mr. President——

Mr. McNARY. Mr. President, I demand the regular order. The Senate yesterday adopted an order that the calendar should be called today for the consideration of unobjected bills.

The VICE PRESIDENT. The regular order is that the calendar be called for the consideration of unobjected bills. The clerk will proceed with the call of the calendar.

BILLS AND RESOLUTIONS PASSED OVER

The first business on the calendar was the bill (S. 1436) providing for the employment of skilled shorthand reporting in the executive branch of the Government.

Mr. VANDENBERG. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education 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. 2106) for the allowances of certain claims not heretofore paid for indemnity for spoliations by the French prior to July 31, 1801, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1760) to promote the safety of scheduled air transportation was announced as next in order.

Mr. McNARY. Mr. President, was not that the unfinished business a few days ago?

The VICE PRESIDENT. The Parliamentarian advises the Chair that a similar bill was considered by the Senate but not under the same number.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by aircraft in interstate commerce, and for other purposes, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6215) to repeal provisions of the income tax requiring lists of compensation paid to officers and employees of corporations was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2410) to amend the Judicial Code, as amended, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 144) proposing an amendment to the Constitution of the United States prohibiting child labor was announced as next in order.

Mr. KING. I ask that the joint resolution be passed over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

BILL RECOMMITTED

The bill (S. 2482) to provide for the assignment of officers of the Navy for duty under the Department of Commerce and appointment to positions therein was announced as next in order.

Mr. WALSH. Mr. President, the purpose sought to be attained by this bill is not at the present time necessary. Therefore, I ask unanimous consent that the bill be recommitted to the Committee on Naval Affairs.

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

RESOLUTIONS AND BILLS PASSED OVER

The resolution (S. Res. 140) authorizing an investigation of the delivery or nondelivery of mail to establishments where industrial strife is in progress was announced as next in order.

Mr. MINTON. I ask that the resolution be passed over.

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

The bill (S. 2024) to amend the civil-service law to permit certain employees of the legislative branch of the Government to qualify for positions under the competitive classified civil service 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.

The joint resolution (S. J. Res. 178) consenting to an interstate compact relating to flood control in the Merrimack River Valley was announced as next in order.

Mr. LA FOLLETTE. I ask that the joint resolution be passed over.

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

The bill (S. 1351) to amend the Packers and Stockyards Act, 1921, as amended, and for other purposes, was announced as next in order.

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

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

The joint resolution (S. J. Res. 176) favoring employment by the Works Progress Administration of persons unable to find employment in private industry was announced as next in order.

Mr. KING. I ask that the joint resolution be passed over.

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

The bill (H. R. 6586) to regulate the transportation and sale of natural gas in interstate commerce, and for other purposes was announced as next in order.

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

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

The bill (S. 1424) to repeal that provision in the act of March 2, 1917 (39 Stat. L. 976), directing the making of allotments to Indians of the Mission Indian Reservation, Calif., was announced as next in order.

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

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

The resolution (S. Res. 177) requesting recommendations from the Tariff Commission concerning rates of duty on textile imports was announced as next in order.

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

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

The bill (H. R. 5812) to amend section 243 of the Penal Code of the United States, as amended by the act of June 15, 1935 (49 Stat. 378), relating to the marking of packages containing wild animals and birds and parts thereof was announced as next in order.

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

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

The bill (S. 1443) to designate the month of February in each year as the month of American music 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.

The resolution (S. Res. 216) favoring governmental adjustment of the purchasing power of the dollar so as to attain 1926 wholesale commodity price levels was announced as next in order.

Mr. VANDENBERG. I ask that the resolution be passed over.

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

The bill (H. R. 6410) granting a pension to Mary Lord Harrison was announced as next in order.

Mr. WALSH. Let that bill go over.

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

The bill (S. 475) to establish a Court of Patent Appeals was announced as next in order.

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

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

The resolution (S. Res. 207) providing for an investigation of the administration of the National Labor Relations Act by the National Labor Relations Board was announced as next in order.

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

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

The bill (S. 2829) authorizing more complete development of that portion of Santa Rosa Island conveyed to the county of Escambia, State of Florida, by the Secretary of War was announced as next in order.

Mr. KING. I am requested to ask that that bill go over, at the instance of the proponent of the bill.

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

The bill (S. 2864) to correct the military record of Clayton R. Miller 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.

The bill (H. R. 6689) for the relief of George Rendell, Alice Rendell, and Mabel Rendell 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.

COMPENSATION OF CERTAIN IMMIGRATION AND NATURALIZATION SERVICE EMPLOYEES

The bill (H. R. 1543) to amend section 24 of the Immigration Act of 1917, relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes, was announced as next in order.

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

Mr. BORAH. I inquire if the Senator who reported the bill is in the Chamber?

Mr. BARKLEY. The Senator from Washington [Mr. SCHWELLENBACH], who reported the bill, is not in the Chamber. He has an understanding with the Senator from North Carolina [Mr. REYNOLDS] that he will not take it up in his absence, and there is a general understanding that the bill shall be deferred until after the Senate shall have passed the relief bill.

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

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 1634) to provide for the education of all types of physically handicapped children, to make an appropriation of money therefor, and to regulate its expenditure 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.

The bill (S. 973) for the relief of the city of Baltimore was announced as next in order.

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

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

The bill (S. 684) for the relief of the city of New York was announced as next in order.

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

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

The bill (S. 1291) for the relief of the State of Connecticut was announced as next in order.

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

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

The joint resolution (S. J. Res. 21) directing the Comptroller General to readjust the account between the United States and the State of Vermont was announced as next in order.

Mr. BARKLEY. I ask that the joint resolution be passed over.

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

LIST & CLARK CONSTRUCTION CO.

The bill (S. 2565) authorizing the Comptroller General to settle and adjust the claim of List & Clark Construction Co. was announced as next in order.

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

Mr. BAILEY. If the Senate will pass it over for a few minutes I will get the report on the bill.

The PRESIDENT pro tempore. The Chair will state that Calendar No. 1887 is an identical House bill, No. 8373. The Senate bill will be passed over.

Mr. BAILEY subsequently said: Mr. President, I ask unanimous consent to recur for a moment to Calendar No. 1533, being Senate bill 2565, concerning which the Senator from Kentucky [Mr. BARKLEY] made inquiry.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Carolina?

Mr. BARKLEY. I have no objection to the consideration of the bill.

The PRESIDENT pro tempore. This bill is the same as the House bill 8373, Senate Calendar No. 1887. Without objection, the House bill will be substituted for the Senate bill and will be now considered.

The Senate proceeded to consider the bill (H. R. 8373) for the relief of List & Clark Construction Co.

Mr. BAILEY. Mr. President, this bill was introduced at the request of the Comptroller General, who recommended the payment of the sum stated in the bill, to wit, $3,400, to the List & Clark Construction Co. for damages sustained and costs incurred as the result of an injunction and restraining order issued by the Federal district court at Deadwood, S. Dak.

The record shows that some of the lands necessary for the construction work covered by the contract were taken by the Government through condemnation proceedings, and that certain of the defendants under such proceedings sought to enjoin the United States from taking the land. The record further shows that the company, while engaged in construction work under its contract, was joined with certain Government officials in the injunction suits; and the claim of the company is for reimbursement of expenses incurred by it for attorneys' fees, and so forth, in defending the suits, on account of the delay and the expense incident to the Government operations.

Ordinarily, the question would have been settled by the Comptroller General, but it happens that in this contract there was no provision for anything of that sort.

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

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

The PRESIDENT pro tempore. Without objection, Senate bill 2565 will be indefinitely postponed.

BILLS PASSED OVER

The bill (H. R. 3389) for the relief of Benjamin Weisenberg 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.

The bill (S. 2369) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes, was announced as next in order.

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

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

The bill (H. R. 8202) to provide for the reorganization of agencies of the Government was announced as next in order.

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

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

The bill (S. 3548) to amend section 9 of the Civil Service Retirement Act, May 29, 1930, as amended, 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.

The bill (S. 3318) to authorize certain payments to the American War Mothers, Inc., was announced as next in order.

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

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

CONVEYANCE OF LANDS IN KENT COUNTY, DEL.

The bill (H. R. 8715) to authorize the Secretary of Commerce of the United States to grant and convey to the State of Delaware fee title to certain lands of the United States in Kent County, Del., for highway purposes, was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF NAVIGATION LAW

The bill (S. 3305) to amend laws for preventing collisions of vessels, to regulate equipment of motorboats on the navigable waters of the United States, to regulate inspection and manning of certain motorboats which are not used exclusively for pleasure and those which are not engaged exclusively in the fisheries on inland waters of the United States, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I should like to have an explanation of the bill. It seems to me it is a very important bill. I doubt whether we can consider it under the 5-minute rule.

Mr. COPELAND. Mr. President, it will be recalled that the bill came up on a previous call of the calendar, and there was an agreement on the bill, except that the title did not seem to conform to the matter in the body of the bill. If the Senator from Utah will permit the Senator from Maine

[Mr. WHITE] to offer two slight amendments, I think the bill will be acceptable.

Mr. KING. I withhold my objection.

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, which had been reported from the Committee on Commerce with amendments.

Mr. WHITE. Mr. President, on page 8, line 6, before the word "waters", I move to strike out the word "inland", so as to make the proviso read:

And provided further, That such motorboats or vessels above described which are used exclusively for pleasure, or which are engaged exclusively in the fisheries (including shell fishing) in the waters of the United States, shall be exempt from the provisions of this section.

The amendment was agreed to.

Mr. VANDENBERG. Mr. President, if the bill is passed, the committee amendments on page 6 will have to be rejected. I refer to the two amendments striking out the language:

Provided, That this section shall apply only to such motorboats or vessels the construction of which is commenced subsequent to the passage of this act.

In other words, the legislation must not be retroactive if it is passed; so those two amendments will have to be rejected.

Mr. COPELAND. That course is entirely acceptable to the committee.

Mr. SHIPSTEAD. Mr. President, I ask that the bill go over for a few minutes.

The PRESIDENT pro tempore. Without objection, the bill will be passed over.

Mr. SHIPSTEAD subsequently said: I have no objection to the passage of the bill.

The PRESIDENT pro tempore. The committee amendments will be stated.

The first amendment was, in section 3, page 2, after line 17, to strike out:

(a) Every motorboat of class A shall carry a bright white light, mounted either at the bow or the stern, so placed as to show all around the horizon.

At the beginning of line 21, to strike out "(b)" and insert "(a)"; in the same line, after the words "motorboat of", to strike out "class" and insert "classes A and 1"; on page 3, at the beginning of line 6, to strike out "(c)" and insert "(b)"; on page 4, line 2, after the word "bow", to insert "at any distance less than 200 yards"; at the beginning of line 4, to strike out "(d)" and insert "(c)"; in line 9, after the word "section", to strike out "except in the case of motorboats of classes A and 1, which shall carry ready at hand a lantern showing a white light, which shall be exhibited in sufficient time to avert collision"; and at the beginning of line 13, to strike out "(e)" and insert "(d)", so as to make sections 1 to 7, inclusive, read:

Be it enacted, etc., That within the meaning of this act and for the purposes thereof the word "motorboat," wherever used herein, shall include every vessel propelled in whole or in part by machinery other than by steam and not more than 65 feet in length, and that the word "vessel," wherever used herein, shall include every vessel propelled in whole or in part by machinery other than by steam and more than 65 feet in length. The length shall be the length over all from stem to stern, measured over the deck, excluding the sheer.

SEC. 2. Motorboats subject to the provisions of this act shall be divided into four classes, as follows:

Class A: Less than 16 feet in length.

Class 1: Sixteen feet or over and less than 26 feet in length.

Class 2: Twenty-six feet or over and less than 40 feet in length.

Class 3: Forty feet or over and not more than 65 feet in length.

SEC. 3. Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:

(a) Every motorboat of classes A and 1 shall carry the following lights:

First. A bright white light aft to show all around the horizon.

Second. A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(b) Every motorboat of classes 2 and 3 shall carry the following lights:

First. A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to 2 points abaft the beam on either side.

Second. A bright white light aft to show all around the horizon and higher than the white light forward.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow at any distance less than 200 yards.

(c) Motorboats, when propelled by sail and machinery, shall carry the lights required above for their respective classes: *Provided*, That motorboats when propelled by sail alone shall carry the colored side lights, suitably screened, but not the white lights prescribed by this section.

(d) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least 2 miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least 1 mile. The word "visible" in this act, when applied to lights, shall mean visible on a dark night with clear atmosphere.

SEC. 4. Every motorboat of class 1, 2, or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

SEC. 5. Every motorboat of class 2 or 3 shall be provided with an efficient bell.

SEC. 6. Every motorboat and every vessel as defined herein shall carry at least one life preserver, or life belt, or ring buoy, or other device of the sort prescribed by the regulations of the board of supervising inspectors with the approval of the Secretary of Commerce, for each person on board, so placed as to be readily accessible: *Provided*, That every such motorboat and every such vessel carrying passengers for hire, and also every such motorboat and every such vessel subject to the provisions of section 15 (b) of this act, shall carry, so placed as to be readily accessible, such number of life preservers (which shall not be less than one for each person on board) and such other lifesaving equipment and safety devices of the sort prescribed by the regulations of the board of supervising inspectors with the approval of the Secretary of Commerce as may be required by the local inspectors.

SEC. 7. Every motorboat and every vessel as defined in this act shall be provided with such number, size, and type of fire extinguishers capable of promptly and effectually extinguishing burning gasoline as may be prescribed by the regulations of the board of supervising inspectors with the approval of the Secretary of Commerce, and so placed as to be readily accessible.

The amendment was agreed to.

The next amendment was, in section 8, page 6, line 5, after the word "Commerce", to strike out:

Provided, That this section shall apply only to such motorboats or vessels the construction of which is commenced subsequent to the passage of this act.

Mr. VANDENBERG. Mr. President, this is one of the amendments which should be disagreed to.

The amendment was rejected.

The next amendment was, in section 9, page 6, line 15, after the word "gases", to strike out:

Provided, That this section shall apply only to such motorboats or vessels the construction of which is commenced subsequent to the passage of this act.

The amendment was rejected.

The next amendment was, in section 10, page 6, line 18, after the word "shall", to strike out "not"; in line 19, after the word "board", to strike out "copies" and insert "one copy"; and in the same line, after the word "rules", to insert "which need not be displayed", so as to make sections 8 to 13, inclusive, read:

SEC. 8. Every such motorboat and every such vessel shall have the carburetor or carburetors of every engine, therein, using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the board of supervising inspectors with the approval of the Secretary of Commerce: *Provided*, That this section shall apply only to such motorboats or vessels the construction of which is commenced subsequent to the passage of this act.

SEC. 9. Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by regulations of the board of supervising inspectors with the approval of the Secretary of Commerce for properly and efficiently ventilating the bilges of the engine and fuel-tank compartments so as to remove any explosive or inflammable gases: *Provided*, That this section

shall apply only to such motorboats or vessels the construction of which is commenced subsequent to the passage of this act.

SEC. 10. Motorboats shall be required to carry on board one copy of the pilot rules which need not be displayed.

SEC. 11. No person shall operate any motorboat or any vessel in such manner as to endanger the safety of any person.

SEC. 12. (a) No such motorboat or vessel as defined in this act of less than 200 gross tons shall be operated or navigated without a navigator or person in charge and an engineer duly certificated for such service by a local board of inspectors. The boards of United States local inspectors of steam vessel shall examine, certificate, and classify the navigators or persons in charge and the engineers of such motorboats and such vessels of less than 200 gross tons, and it shall be unlawful to employ or for any person to serve as navigator or person in charge or as engineer of any motorboat or other vessel above described who has not been so certificated and classified. Such certification and classification as well as the kind of examinations to be undergone by applicants for such certificates shall be in accordance with regulations prescribed by the board of supervising inspectors with the approval of the Secretary of Commerce: *Provided*, That examinations of applicants for such certificates may be either oral or written and shall be only of such nature as will enable the inspectors to determine to their satisfaction that the character, habits of life, physical fitness, and experience of the applicant, together with his knowledge of the duties and requirements of the station for which application for a certificate is made, are such as to warrant the belief that he may be safely entrusted with the duties and responsibilities of the station for which he desires to be certificated: *Provided*, That no person who is not a citizen of the United States, either native-born or fully naturalized, and no person who is less than 19 years of age shall be eligible for any certificate as provided for by this section: *And provided further*, That such motorboats or vessels above described which are used exclusively for pleasure, or which are engaged exclusively in the fisheries (including shell fishing) in the inland waters of the United States, shall be exempt from the provisions of this section.

(b) Applicants for certificates provided for by subsection (a) of this section shall, before being examined, be required to submit to the local inspectors an application under oath in such form as may be prescribed by the Director of the Bureau of Marine Inspection and Navigation with the approval of the Secretary of Commerce. Any person who shall make or subscribe to any oath authorized in this act and knowing the same to be false shall be guilty of perjury.

(c) No such motorboat and no such vessel of less than 200 gross tons shall be required to carry licensed officers but only such certificated personnel as is provided in this act: *Provided*, That any person holding a license as master, duly issued by a board of local inspectors, may act as navigator or person in charge of any such motorboat or any such vessel of less than 200 gross tons, upon the waters and up to the limit of tonnage specified by his license: *Provided further*, That any person holding a license as chief engineer of motor vessels, duly issued by a board of local inspectors, may act as engineer of any such motorboat or any such vessel of less than 200 gross tons, upon the waters and up to the limit of tonnage specified by his license: *Provided, however*, That on motorboats of less than 15 gross tons, one person, if duly qualified, may serve in the double capacity of navigator or person in charge and engineer.

(d) Any certificate issued in pursuance of this section may be suspended or revoked for the same causes and under the same procedure prescribed by section 4450, Revised Statutes, as amended with respect to the suspension or revocation of licenses of officers of steam vessels.

SEC. 13. (a) Before receiving any certificate issued under the provisions of section 12 of this act, the person to whom it is issued shall be required to subscribe to an oath administered by the inspectors that he will faithfully and to the best of his ability discharge and perform the duties of the station for which he is certificated and observe and conform to the laws and regulations appertaining thereto, which oath shall be filed by the inspectors with the application.

(b) All certificates issued under the provisions of section 12 of this act shall be for a term of 5 years, but the holder of such a certificate may have the same renewed for another 5 years in the manner prescribed by the rules and regulations of the board of supervising inspectors, with the approval of the Secretary of Commerce.

The amendment was agreed to.

The next amendment was, in section 14, page 10, line 8, after the word "applies", to strike out "place his certificate, which shall be framed under glass" and insert "shall display his certificate", and in line 14, after the words "need not be", to strike out "placed" and insert "displayed", so as to make sections 14 to 21, inclusive, read:

SEC. 14. Any person holding a certificate issued under the provisions of the preceding section shall, within 48 hours after going on duty on any motorboat or vessel to which said section applies, shall display his certificate in some conspicuous place on the motorboat or vessel where it can be seen by passengers and others at all times: *Provided*, That in case of a temporary transfer to another motorboat or vessel of the same ownership for a period of not to exceed 48 hours, said certificate need not be displayed as hereinabove required.

SEC. 15. (a) Every motorboat and every vessel as defined in this act engaged in carrying passengers for hire shall be, except as otherwise provided for in this act, subject to the provisions of existing laws covering the inspection of steam vessels to such extent and upon such conditions as may be required by the regulations of the board of supervising inspectors, with the approval of the Secretary of Commerce.

(b) Every motorboat of 15 gross tons or over and every vessel as defined in this act of 15 gross tons or over shall be, except as otherwise provided for in this act, subject to the provisions of existing laws covering the inspection of steam vessels to such extent and upon such conditions as may be required by the regulations of the board of supervising inspectors, with the approval of the Secretary of Commerce: *Provided*, That such motorboats or such vessels of less than 300 gross tons used exclusively for pleasure, and motorboats or such vessels engaged exclusively in the fisheries (including shell fishing) in the inland waters of the United States, shall be exempt from the provisions of this section.

SEC. 16. Any person who shall operate any motorboat or any vessel in such a manner as to endanger the safety of any person shall be deemed guilty of a misdemeanor and on conviction thereof by any court of competent jurisdiction shall be punished by a fine not exceeding $2,000 or by imprisonment for a term of not exceeding 1 year, or by both such fine and imprisonment, at the discretion of the court.

SEC. 17. Any officer of the United States charged with the enforcement of the navigation laws of the United States shall have power and authority to swear out process and to arrest and take into custody, with or without process, any person who may commit any act or offense prohibited by section 11, or who may violate any provision of said section: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of some one of the aforesaid officials: *Provided further*, That whenever an arrest is made under the provisions of this act, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offense alleged against him, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States.

SEC. 18. If any motorboat or vessel subject to any of the provisions of this act is operated or navigated in violation of this act or any regulation issued thereunder, the owner shall, in addition to any other penalty prescribed by law, be liable to a fine not exceeding $200: *Provided*, That in the case of motorboats or vessels subject to the provisions of this act carrying passengers for hire, a fine not exceeding $500 may be imposed on the owner thereof for any violation of section 6 or 7 of this act or of any regulation pertaining thereto. For any penalty incurred under this section the motorboat or vessel shall be held liable and be proceeded against by way of libel in the district court of any district in which said motorboat or vessel may be found.

SEC. 19. The board of supervising inspectors, with the approval of the Secretary of Commerce, shall establish all necessary regulations required to carry out in the most effective manner all the provisions of this act and also to secure its enforcement by collectors of customs and other officers of the Government, and such regulations when approved by the Secretary of Commerce shall have the force of law. The Secretary of Commerce may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture incurred under this act or any regulation thereunder relating to motorboats or vessels, except the penalties provided for in section 16 hereunder.

SEC. 20. This act shall take effect on and after 1 year from the date of its approval and will then repeal the Motor Boat Act of June 9, 1910 (Public, No. 201, 61st Cong.; 36 Stat. 462), and all other laws and parts of laws only insofar as they conflict herewith: *Provided*, That nothing in the act shall be deemed to alter, amend, or repeal the act of June 20, 1936 (Public, No. 722, 74th Cong.; 49 Stat. 1544), entitled "An act to apply laws covering steam vessels to seagoing vessels of 300 gross tons and over propelled by internal-combustion engines," or to alter, amend, or repeal acts of Congress or treaties embodying or revising international rules for preventing collisions at sea.

SEC. 21. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

The amendment was agreed to.

The PRESIDENT pro tempore. That completes the committee amendments.

Mr. KING. Mr. President, I should like a brief explanation of the purpose of the bill, and whether it creates new positions or involves additional expense.

Mr. COPELAND. Mr. President, this is simply a safety measure to require small boats to carry lights, and so forth, in order that they may not be subject to collision. It does not involve expenditure or new officers.

The PRESIDENT pro tempore. If there are no further amendments to be proposed, 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.

Mr. COPELAND. I move that the title be amended so as to read:

A bill to amend laws for preventing collisions of vessels, to regulate equipment of motorboats on the navigable waters of the United States, to regulate inspection and manning of certain motorboats which are not used for pleasure or engaged exclusively in the fisheries on waters of the United States, and for other purposes.

The PRESIDENT pro tempore. Without objection, the title will be amended as stated by the Senator from New York.

JOINT RESOLUTION AND BILLS PASSED OVER

The joint resolution (H. J. Res. 613) to provide for the temporary operation by the United States of certain steamships, and for other purposes, was announced as next in order.

Mr. KING. Let the joint resolution go over.

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

The bill (S. 3559) to amend the Civil Service Retirement Act of May 22, 1920, as amended, to extend retirement to certain employees of certain Indian schools was announced as next in order.

Mr. KING. Let the bill go over.

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

The bill (S. 3203) to amend the act entitled "An act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States, approved June 29, 1936, and for other purposes," was announced as next in order.

Mr. KING. Let the bill go over.

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

CLAIMS OF CITIZENS OF THE UNITED STATES AGAINST MEXICO

The bill (S. 3104) for the payment of claims of citizens of the United States against the Republic of Mexico was announced as next in order.

Mr. AUSTIN. Mr. President, reserving the right to object, let me say that I objected to this bill when it was reached on the calendar at the last call. Since that time I have made certain study of the character of the bill. I had no objection to the merits of the bill at the time I previously raised the question, but I felt a responsibility with respect to it, because it seemed to be a new undertaking by the Government of the United States, to pay the debt of another government. That is, it appeared as though the bill itself would create a liability on the part of the United States without any consideration at all for it, and without any way for the Government to indemnify itself for such an assumption of debt. For that reason I objected to the consideration of the bill.

I am persuaded, by the study I have made since then, that the bill does not create any debt. It does not make a new promise, but is a bill to carry out an old obligation entered into by a convention between Mexico and the United States, by means of which the contracting parties undertook to pay debts due from their vis-a-vis to their own nationals, and afterward offset claims on the part of each country against the other. The mechanics of doing the thing provided that the United States should pay the balance remaining after the offset or set-off on the part of Mexico for debts due by the United States to nationals of Mexico. It is upon that point that probably the first question would arise if this were a controverted matter.

For my part, however, I am satisfied from the terms of the treaty of September 1923, article IX, that there is this international obligation to pay all the money; that is, the obligation exists today on the part of the United States to pay the whole of the debt allowed by the Claims Commission, and the adjustment becomes purely a matter of bookkeeping. Probably the best evidence of that is the following language in article IX:

In any case the Commission may decide that international law, justice, and equity require that a property or right be restored to the claimant in addition to the amount awarded in any such case for all loss or damage sustained prior to the restitution. In any case where the Commission so decides the restitution of the property or right shall be made by the government affected after such decision has been made, as hereinbelow provided.

It is the matter "hereinbelow provided" which I think is probative evidence of the intention of each country to pay its own nationals in cash:

The Commission, however, shall at the same time determine the value of the property or right decreed to be restored and the government affected may elect to pay the amount so fixed after the decision is made rather than to restore the property or right to the claimant.

In the event the government affected should elect to pay the amount fixed as the value of the property or right decreed to be restored, it is agreed that notice thereof will be filed with the Commission within 30 days after the decision and that the amount fixed as the value of the property or right shall be paid immediately.

Those words are peremptory, and create an obligation which has matured, because the time has long since passed the 30-day limitation, and the time has long since passed the point of "immediately."

The amount of these claims awarded to United States claimants, being $2,789,509.33, includes a large sum of money which is substituted under article IX, part of which I have just read, for return of property. For example, the claim of the Illinois Central Railroad Co., which is for more than $1,000,000, I am informed, is all for property. Many other claims which are contained in the two and three-quarter million dollars come expressly under the provisions of article IX which I have read. Therefore I am convinced that this bill, if I understand it as it is drawn, would merely carry out the promise heretofore made by the Government.

Now, Mr. President, as to the other point, namely, what consideration is there for such a promise, the report shows—and those who have talked with me since the last call of the calendar have likewise mentioned—the disturbed situation on the Mexican border which was costing the Government of the United States large sums of money because of the necessity of defending the border by maintaining troops there, and which was also costing the Government large sums of money because of the loss of customs receipts, which, if the disturbed conditions could be alleviated, would flow into the Treasury.

Then other considerations, such as peace and human life, were involved in the issue growing out of conditions which existed on the border. All these factors entered into the consideration for a mutual agreement which would compose the differences between the claimants of the two countries. I certainly regard them, theoretically, as a good consideration, and I think that what followed the clearing up of this disturbance and the recurrence of peace on the border affords ample evidence that they were a good consideration.

Mr. President, another consideration which flows from the individual claimant is that he surrendered his freedom to prosecute his claim in any legal manner which, under international law or a domestic law of either country, might be available to him and turned over to his government entire and exclusive control of his individual rights. That constituted a further element of consideration.

In view of these things I am persuaded that I ought not to object to the consideration of the bill, and I do not object to its consideration.

Mr. POPE. Mr. President, I am very much interested in the conclusion the Senator from Vermont has come to with reference to this bill. I was chairman of the subcommittee that made exactly the same sort of investigation he has made and came to exactly the same conclusion. But, in addition to what the Senator has said, I found a direct precedent, which is set forth in the report of the committee. I will read one paragraph which will indicate to the Senator from Vermont and to the Senate the precedent which I found:

The committee recognizes that there is sufficient precedent for payment of the American awards in full at this time, inasmuch as nearly 100 years ago, under the convention of April 11, 1839, between the United States and Mexico, the liquidated or adjudicated claims of the Commission then established were later paid

by the United States before collection had been made from Mexico, and the treaty between the two Governments signed at Guadalupe Hidalgo on February 2, 1848, obligated the United States as part of the consideration for the territory then acquired from Mexico to pay the unpaid balance of the awards in favor of American citizens and to liquidate the unadjudicated claims of our citizens which had not previously been disposed of.

So under the very argument that has been made by the Senator from Vermont, in 1848, or nearly 100 years ago, we paid claims just such as are contained in this bill, and the point the Senator has raised, and which I think is sound, was recognized in the payment of those claims at that time, about 100 years ago. So there is clear precedent for what is proposed to be done today.

Mr. BONE obtained the floor.

Mr. LEWIS. Mr. President, may I be pardoned for a moment?

Mr. BONE. I yield.

Mr. LEWIS. The Senator from Idaho having made a very thorough report on the important phases of the subject, I ask is there not evidence before us that the property to be paid for, according to the description given by the able Senator from Vermont, such, for instance, as has been mentioned here, of cars and engines, being actually the property of the owners, was really destroyed, and that which is to be paid for is to be paid for as property of which the owners had been deprived, payment to be made merely in proportion to their losses?

Mr. POPE. Exactly, but no interest is permitted under the bill as now drawn from the time of the award.

Mr. AUSTIN. Mr. President, will the Senator yield to me in order that I may ask a question of the Senator from Idaho?

Mr. LEWIS. If I have the floor, I am glad to yield to have a statement from the Senator from Vermont.

Mr. AUSTIN. There might be confusion about that point, in view of the following language appearing on page 2 of the bill at line 17:

Plus interest stipulated in any such appraisal and accruing up to the date of said report.

Will the Senator from Idaho kindly explain that language of the bill?

Mr. POPE. The words "plus interest stipulated in any such appraisal and accruing up to the date of said report" mean that no interest will be allowed from the time of the report on the appraisal. The appraisals were made several years ago, but taking into consideration the sums awarded, in accordance with international law, interest is allowed up to the time the report on the appraisal was made.

The Senator may recall that the first Commission had hearings and rendered decisions, which were called awards, but the second Commission simply made appraisals which have the same effect as awards. So interest was in some cases allowed up to the time of the awards or appraisals, but it was the opinion of the committee that no interest should be allowed after the awards and the appraisals were made in the report referred to in the bill.

Mr. ADAMS. Mr. President——

The PRESIDENT pro tempore. The Senator from Washington has the floor.

Mr. BONE. I have no objection to having a vote taken on the measure now pending, but I wish to present another matter a little later.

Mr. McKELLAR. Mr. President, may we not first vote on the pending bill?

Mr. ADAMS. I wish to discuss the measure.

Mr. KING. Mr. President, I should like to ask a question.

The PRESIDENT pro tempore. The Senator from Colorado wishes to discuss the pending bill, and the Senator from Washington, who has the floor, desires to discuss something else.

Mr. BONE. I yield to the Senator from Colorado. I am called from the Chamber, and I wish to bring up a bill before I leave.

Mr. ADAMS. Mr. President, a few days ago when this bill came before the Senate I made some inquiries about it. I talked with the senior Senator from Texas [Mr. SHEPPARD], and I concluded that the bill ought not to pass. I have not heard all the argument which the Senator from Vermont has presented this morning as indicating why he has changed his mind. I have the utmost respect for the opinion of the Senator from Vermont, and, perhaps, had I heard his argument it might have changed my mind.

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

Mr. ADAMS. Certainly.

Mr. AUSTIN. If the Senator from Colorado will observe closely, he will notice that the Senator from Vermont merely withheld objection to considering the bill. If I were called upon to vote upon it now, I would vote for the bill. I have not yet crossed that bridge, and I intend to keep my mind open to listen to the argument of the Senator from Colorado or any other Senator.

Mr. ADAMS. As I understand, the bill has been reached now on the call of the calendar. The understanding I have of the situation is that it is a matter of precedent rather than merely a matter involving the particular claimants. There were a number of claims against the Mexican Government, many of them small, some of them large. An appeal was made on behalf of the small claimants. I think the group of small claimants were practically helpless when it came to presenting their cases against the Mexican Government on their own account.

The United States Government undertook to present the claims of these claimants, whether the sums were large or small. They had gone through the process of award and adjudication before a commission; new awards have now been made and the term of the Commission, as I understand, has lapsed. The two Governments agreed, respectively, that they would pay in accordance with the findings. Now the position is that the United States Government, because it undertook the service of presenting the claims of its citizens, must guarantee to pay the awards made against the Mexican Government. In other words, if the Mexican Government sees fit not to pay, the United States Government will be simply out that much. The question is whether or not the taxpayers of the United States should lose in that case or the individual claimants should lose.

There are individual claimants who sold railroad equipment. The Illinois Central Railroad Co. has a claim for $118,000 for equipment. It was a private deal with the Mexican Government. The Mexican Government have not paid for it. They should have paid for it; but, as yet, I am unpersuaded that the United States Government should pay the claims of the Mexican Government.

It is said that there is a precedent for this action. I can readily imagine why it was necessary to go back a hundred years to find one.

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

Mr. ADAMS. Certainly.

Mr. POPE. I am sorry the Senator from Colorado did not hear the argument made by the Senator from Vermont. He examined the treaty carefully, and under the terms of the treaty he thinks—and I thoroughly agree with him—that the United States Government assumed an obligation to pay these claimants. The Senator from Vermont has inserted in the RECORD the exact provision of the treaty which covers the matter; but I think the Senator from Colorado, being a good lawyer, upon an examination of the treaty itself, will find a definite obligation to pay the claims when the award is made, or within 30 days thereafter.

Mr. ADAMS. The Senator from Colorado has read the treaty and he does not place that interpretation upon it. Neither does he deduce from it that the claimants in this country were absolutely forbidden to prosecute their individual claims had they seen fit to do so.

The United States undertook to provide a commission and to have the claims adjudicated. They undertook that as between the two Governments there would be an offsetting of conflicting claims, and a balance adjudicated. When the payments were made, of course they were made on behalf of the claimants; but my question is whether or

not the United States, by assuming care of the claims of its citizens, underwrites their payment from another government.

I call the attention of the Senate to the fact that there are billions of dollars of claims against other foreign countries; and if we undertake to guarantee claims of the Mexican Government, there are bonds of South American countries, there are German marks, there are war debts, there are Russian external bonds, and I do not know where we are going to end. In addition, there are $200,000,000 of other claims against the Mexican Government.

My only concern is about establishing a precedent. If we establish the precedent that whenever a claims commission is appointed, and awards are made on behalf of our citizens, the United States must pay the claims, the amount may run into untold millions and even into billions of dollars. Therefore I am unpersuaded that we ought to assume this obligation.

Mr. SHEPPARD. Mr. President, I wish to say briefly that, in my judgment, there is no analogy between the situation out of which these claims grew and the situation prevailing between the United States and other countries.

Mr. ADAMS. I will say to the Senator that if the United States undertook the collection from South American governments of claims based on bonds, or if it undertook the collection from the German Government of marks, of course, if the other governments paid the claims the United States would be subrogated; but the subrogation would not be of much value, and the Mexican Government has not been overly prompt in meeting its obligations.

Mr. SHEPPARD. In the case of South American bonds or German marks, there would be no offsetting claims of South Americans or Germans against the United States.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Oregon will state the parliamentary inquiry.

Mr. McNARY. I have not read the rule today, but I have a graphic recollection that under the rule under which the Senate is now operating a Senator may speak only once, and not longer than 5 minutes, on any matter which may be before the Senate. Is that correct?

The PRESIDENT pro tempore. That is correct.

Mr. McNARY. I think, then, it is up to the Chair to enforce the rule.

The PRESIDENT pro tempore. The Chair will endeavor to do so.

Mr. KING. Mr. President, as I understand the Senator from Vermont, he rested his argument in favor of the bill upon his interpretation of the treaty. If I understand the treaty it does not legally or morally require the United States to pay any award that may have been entered by the Commission.

We all know that there are American citizens who have claims against the Mexican Government amounting not merely to $200,000,000, but to four or five hundred million dollars. In 1920 and 1921 an investigation which was made by a committee of the Senate disclosed that the Mexican Government and Mexican nationals had confiscated the property of American claimants to the extent of between four and five hundred million dollars. These injured citizens have never been paid these losses sustained by them. In addition, the committee found that between four and five hundred American citizens had been killed in Mexico and that not a single penny had been paid by way of reparations or otherwise to the families of the decedents. The committee also found, as I recall, that more than 100 American citizens, while upon American soil, had been killed by Mexicans who fired across the boundary line or had made forays into the United States. As I understand, no reparations have been paid by Mexico to the families of those American citizens killed upon American soil.

One of my friends went to Mexico many years ago, and he and his father invested large sums in reclaiming lands of but little value, and transformed them into fertile fields. They built houses for Mexican employees, also a schoolhouse and industrial plants. They acquired and developed properties of the value of perhaps half a million dollars, all of which have been confiscated, and not a penny has been paid for the same. The gentleman to whom I refer has visited our Ambassador in Mexico upon a number of occasions in connection with the matter, but has received no encouragement that reparations will be made for the losses sustained.

We are now singling out a few claimants—I do not know why—and providing that the Federal Government shall pay their claims. At the same time the claims of hundreds and thousands of Americans, totaling five or six hundred million dollars, are ignored and no provision whatever is made for their payment.

It seems to me we are discriminating in favor of some as against a multitude whose claims perhaps are more just than that of this railroad company which sold railroad equipment to Mexico and will now receive more than a million dollars out of the limited appropriation carried in this bill.

Mr. SHEPPARD. Mr. President——

Mr. KING. I yield to the Senator from Texas.

Mr. SHEPPARD. The claimants to be paid under this bill are only those who have received awards by the Mexican-American Commission, awards in the nature of judgments.

Mr. KING. I understand that awards have been made by the Commission.

Mr. SHEPPARD. It cannot be said that there is a discrimination in favor of these claimants. They were required to bring their cases before the Commission, and the Commission after an examination passed favorably upon them. An act of justice toward these claimants is not a discrimination on their behalf.

Mr. KING. Our Government should be as much interested in protecting those to whom I have referred as those who fall within the category referred to in the bill.

The PRESIDENT pro tempore. The time of the Senator from Utah has expired. Is there objection to the present consideration of the bill?

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

The PRESIDENT pro tempore. The amendment reported by the committee will be stated.

The amendment was to strike out all after the enacting clause and to insert:

That the principal amounts of all awards in favor of citizens of the United States against the United Mexican States heretofore made by the Commissions established by the General Claims Convention of September 8, 1923, United States and Mexico, and extensions thereof, on claims presented under said convention, plus interest stipulated in any such award and accruing up to the date of such award, and the principal amounts of all appraisals of such claims in favor of citizens of the United States heretofore made by the Commissioners appointed by the United States and Mexico for said purpose pursuant to the protocol of April 24, 1934, and agreed upon in their report, plus interest stipulated in any such appraisal and accruing up to the date of said report, shall be paid immediately by the Government of the United States to the person or persons entitled to the same, and that appropriations for such payment of all such awards and agreed appraisals, out of any money in the Treasury not otherwise appropriated, be, and hereby are, authorized: *Provided*, That the Secretary of State shall certify to the Secretary of the Treasury all such awards and appraisals and the amounts to be paid on each in conformity with this act, and shall designate the person or persons entitled to receive such payments: *And provided further*, That, when the person or persons entitled to receive any such payments have received same on any such award or appraisal, such person or persons will be deemed to have consented to all of the provisions of this act, and all of the rights and interests of such person or persons in and to such award or appraisal, and the respective claim to which it pertains, will be deemed to have been fully satisfied and paid, and said award or appraisal, and the claim to which same pertains, and all of the rights and interests of such person or persons in respect thereto, shall be held to have been assigned to the United States to be enforced by and on behalf of the United States against the United Mexican States: *And provided further*, That awards and appraisals authorized to be paid by this act shall be included in the final settlement between the Governments of the United States of America and the United Mexican States under the said convention of September 8, 1923; and the payment of any award or appraisal under this act shall not be construed as the satisfaction, in whole or in part, of any such award or appraisal, or

as extinguishing or diminishing the liability of the United Mexican States for the satisfaction in full of such awards and appraisals, but shall be considered only as an advance by the United States until all of said awards and appraisals have been paid off and satisfied in full to the United States by the United Mexican States.

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 payment of awards and appraisals heretofore made in favor of citizens of the United States on claims presented under the General Claims Convention of September 8, 1923, United States and Mexico."

ALASKAN INTERNATIONAL HIGHWAY COMMISSION

Mr. BONE. Mr. President, I shall be compelled to leave the Chamber in a few minutes because of committee work; and, with the consent of the Senate, I should like to anticipate the work on the calendar and bring before the Senate for a vote Calendar No. 1869, House bill 8177, to create a commission to be known as the Alaskan International Highway Commission.

This is a bill which passed the House a few days ago. A similar bill, which I introduced, is now pending in the Senate. The bill sets up a commission of five members to try to bring to an end the negotiations which have been carried on for a number of years between the United States and Canada looking to the completion of that part of the American-Canadian road into Alaska which is still incomplete. It calls for no money.

Mr. KING. Who will pay the members of the commission?

Mr. BONE. They will have to serve voluntarily. The bill requires them to report back within a definite period of time to the President and the Congress about some feasible plan of financing this road. The House made no objection at all to the bill; and the men who serve on the commission will have to serve voluntarily.

A fine highway system is now being developed in Alaska. This proposed strip of road will run up along the British Columbia border and will connect the northern part of the Pacific highway with the roads in Alaska. The bill involves no money, and I should like to see it passed.

Mr. KING. Let me ask the Senator whether such a highway system, if constructed, would be advantageous to American citizens and would be promotive of trade and commerce.

Mr. BONE. Yes, Mr. President. The Secretary of State has written a very favorable letter about the project. It has very definite defense advantages, and will open the Pacific highway so that it will be possible to go all the way from Rio de Janeiro, Brazil, to Fairbanks, Alaska.

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

Mr. BONE. Certainly.

Mr. McNARY. I think it was 2 years ago that I introduced a bill, which passed the Senate and the House, providing for a generous appropriation in anticipation of the construction of this highway from Seattle through the Selkirks in British Columbia up to Fairbanks. The bill provided $100,000 for a reconnaissance survey on our part, and contemplated an adequate appropriation by Canada to construct her portion of the road. Since that time nothing in particular has been done, though negotiations have gone forward.

I am curious to know what the Senator proposes to have done under this Commission.

Mr. BONE. I will read the Senator some of the provisions of the bill:

That the President, within 90 days * * *, shall appoint * * * a commission to be known as the Alaskan International Highway Commission, to be composed of five members, one a citizen of the Territory of Alaska, one a Member of the Congress of the United States, and three citizens of the United States—

To serve during the next 2-year period to try to work out the very thing the Senator has suggested, to tie together all of this rather tangled web of conferences and what not, and to bring some little order out of the efforts which heretofore have been made.

I do not understand that any money has been spent by our Government in this connection. There has been a great deal of controversy and trouble as to whether the United States should spend any money in Canada. It is with a view to ironing out all these questions and bringing order out of the situation that this bill is offered. It does not tie us up in any way.

Mr. McNARY. I am very much interested in the project. I can think of nothing that would be of greater economic and scenic value than a highway between the Senator's delightful city of Seattle and Fairbanks, Alaska.

Mr. BONE. The highway goes through one of the most delightful sections of Alaska.

Mr. McNARY. I hope the bill will be passed. The commission will advance the progress of the road toward completion.

Mr. BONE. That is precisely why I introduced the bill, and why it was introduced in the House. It is merely an attempt to bring order out of the difficulties which have arisen, and I think that if this commission will meet with the Canadian commission of a similar character, it will finally iron out all the wrinkles of the problem.

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

There being no objection, the bill (H. R. 8177) to create a Commission to be known as the Alaskan International Highway Commission, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President of the United States, within 90 days from the passage of this act, shall appoint, and he is hereby empowered to appoint, a Commission to be known as the Alaskan International Highway Commission, to be composed of five members, one a citizen of the Territory of Alaska, one a Member of the Congress of the United States, and three citizens of the United States of America; said Commissioners to be appointed for a 2-year term and to serve without salary or other compensation. Said Commission shall be authorized by the President to cooperate and communicate directly with any similar agency which may be appointed in the Dominion of Canada in a study for the survey, location, and construction of a highway to connect the Pacific Northwest part of continental United States with British Columbia and the Yukon Territory in the Dominion of Canada, and the Territory of Alaska. Said Commission may cooperate with any such agency in the Dominion of Canada in the study of specifications, estimates, and plans for the financing of the construction and maintenance of said road. Said Commission shall, within 2 years after their appointment, report to the President of the United States the extent and results of their activities and of any conferences relative to such highway, and the President of the United States shall transmit said report to the Congress of the United States.

Mr. BONE. Mr. President, I ask that Senate bill 3871, a companion bill to the bill just passed, be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 281) to postpone the effective date of the Rules of Civil Procedure for the District Courts of the United States was announced as next in order.

Mr. BURKE. Let the joint resolution go over.

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

NAMING OF SUBCONTRACTORS ON PUBLIC-BUILDING PROJECTS

The bill (H. R. 146) to require contractors on public-building projects, to name their subcontractors, material men, and supply men, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

Mr. WALSH. Mr. President, I should like to make a brief statement about the bill for the RECORD. I ask unanimous consent that I may make a statement for 5 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. WALSH. Mr. President, I was chairman of the subcommittee of the Committee on Public Buildings and Grounds which heard the evidence on this bill. The Senator from Vermont [Mr. AUSTIN] was one of the other members of the subcommittee.

The bill has passed the House and has been reported favorably from the Committee on Public Buildings and Grounds. It seeks to do away with a vicious habit which has grown up with respect to contracts for public buildings. This vicious habit is called "bid shopping" or "bid peddling." When requests for bids are made the contractors visit subcontractors and make their bids for the full job upon the estimates made by subcontractors. It happens that after the award is made the chief contractor disregards the bids submitted to him by the subcontractors and enters into what are called "bid shopping" practices. He goes from one possible subcontractor to another asking them if they will not take a lower figure for their subcontracts than has been made by another. In this manner many abuses have grown up.

The bill merely requires that when the contractor for a public building submits his bid he shall submit the names of the subcontractors for the important subcontracts under the contract. It seems to me there cannot be any serious objection to the bill. The only objection we have heard was that some of the contractors say, "We ought to correct this abuse ourselves, without legislation." But the abuse exists; it is harmful both to the employees and to the Government, and has caused delays in some cases. That is all I care to say. I make the explanation as chairman of the subcommittee.

The PRESIDENT pro tempore. Objection being heard, the bill will be passed over.

BILLS PASSED OVER

The bill (H. R. 9683) to amend the act of June 25, 1910, relating to the construction of public buildings, and for other purposes, was announced as next in order.

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

Mr. McNARY. Let it go over.

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

The bill (S. 3354) a bill to amend the act entitled "An act to amend the act entitled 'An act for the control of floods on the Mississippi River and its tributaries, and for other purposes,' approved May 15, 1928," approved June 15, 1936, was announced as next in order.

SEVERAL SENATORS. Over.

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

The bill (H. R. 6391) to authorize the prompt deportation of criminal and certain other aliens, and for other purposes, was announced as next in order.

Mr. BORAH. I should like to know the purpose of the bill. In the absence of explanation, I object.

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

MISSOURI RIVER BRIDGE AT DECATUR, NEBR.

The bill (S. 3611) to further extend the times for commencing and completing the construction of a bridge across the Missouri River between the towns of Decatur, Nebr., and Onawa, Iowa, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River, between the towns of Decatur, Nebr., and Onawa, Iowa, authorized to be built by the county of Burt, State of Nebraska, by section 29 of the act of Congress approved August 30, 1935, heretofore extended by act of Congress approved June 19, 1936, and further extended by act of Congress approved March 24, 1937, are hereby further extended 1 and 3 years, respectively, from August 30, 1938.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

BILL PASSED OVER

The bill (S. 2344) to provide for the regulation of the sale of certain securities in interstate and foreign commerce, and the trust indentures under which the same are issued, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

Mr. McNARY. Mr. President, the Senator from Pennsylvania [Mr. DAVIS] desires to have opportunity further to consider this bill, and I had intended to object, if the Senator from Utah had not done so.

The PRESIDENT pro tempore. Objection being heard, the bill will be passed over.

DETAIL OF UNITED STATES EMPLOYEES TO OTHER GOVERNMENTS

The bill (S. 3804) authorizing the temporary detail of United States employees, possessing special qualifications, to governments of American republics and the Philippines, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. There is a similar bill on the calendar, being Order of Business 1758, House bill 10193. Is there objection to the substitution of the House bill for the Senate bill and to the present consideration of the House bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 10193) authorizing the temporary detail of United States employees possessing special qualifications to governments of American republics and the Philippines, and for other purposes, which was read, as follows:

Be it enacted, etc., That the President of the United States be, and hereby is, authorized, whenever he finds that the public interest renders such a course advisable, upon agreement with the government of any other American republic or the government of the Commonwealth of the Philippine Islands, if such government is desirous of obtaining the services of a person having special scientific or other technical or professional qualifications, other than those persons covered by the act of May 19, 1926 (44 Stat. 565), as amended by the act of May 14, 1935 (49 Stat. 218), to detail for temporary service of not exceeding 1 year, under such government any such person in the employ of the Government of the United States whose services can be spared: *Provided*, That the President may, in extraordinary circumstances, extend the period of such detail for one or more additional periods of not to exceed 6 months each: *And provided further*, That while so detailed, such person shall be considered for the purpose of preserving his rights and privileges as such, an officer or employee of the Government of the United States and of the department or agency from which detailed and shall continue to receive therefrom compensation, and he shall receive additional compensation from the department or agency from which detailed not to exceed 50 percent of the compensation he was receiving as an officer or employee of the United States at the time of detail, and shall receive from the United States reimbursement for travel expenses to and from the place of detail and monthly allowances determined by the President to be adequate for quarters and subsistence during the period of such detail. The additional compensation, travel expenses, and other allowances authorized by this act to be paid to any such officer or employee shall be paid from any appropriations available for the payment of compensation and travel expenses of the officers and employees of the department or agency from which he is detailed: *Provided, however*, That if any of the governments to which details are authorized by this act shall express the desire to reimburse this Government in whole or in part for the expenses of such details, the President is authorized, when he deems it in the public interest, to accept such reimbursement.

Mr. BORAH. Mr. President, I desire to offer an amendment, on page 1, line 7, after the word "Islands" to insert the words "or the Government of Liberia."

The amendment was agreed to.

Mr. KING. Mr. President, as a member of the Committee on Foreign Relations, I should like to ask whether our experiences with other nations have demonstrated the wisdom and advantage of measures of this character, or of proceedings of the character provided for in the bill. Apparently no one desires to answer the question.

The PRESIDENT pro tempore. The present occupant of the Chair cannot answer the question.

Mr. BORAH. I did not hear the question.

Mr. KING. The question I propounded was whether our experiences, if we have had any, as I assume we have, in exchanges as provided in this measure, have been of any advantage.

Mr. BORAH. I may say that the bill is recommended by the State Department, based upon whatever experiences they may have had, and whatever knowledge they may have with reference to the matter. The bill is recommended by the State Department, and is here at their suggestion. I do not know what experience we have had in regard to the matter, but I cannot see why it would not be wise to do what is proposed. All other governments do it, business

interests are being taken care of in this way by other countries, and it seems to me it would be entirely advisable for us to follow the rule.

Mr. KING. We are fortunate in having as our Secretary of State a man in whom we all have confidence, and his recommendation carries great weight. I may add that a number of years ago we passed a bill, which I think was very unwise, a bill creating an organization under the Department of Commerce which of necessity comes into conflict with agents of the Department of State. All of our representatives in foreign countries, whether for trade or commerce, or representing the State Department in purely State matters, ought to be under the jurisdiction of the State Department. We now have a divided responsibility, and I noticed in the newspapers a few days ago a report of an alleged controversy between the two Departments. We ought to amend the other law, and put all our employees in foreign countries having to do with trade relations or what not under the jurisdiction of the State Department.

Mr. BORAH. This is a step in the right direction.

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

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 PRESIDENT pro tempore. Without objection, Senate bill 3804 will be indefinitely postponed.

BILL INDEFINITELY POSTPONED

The bill (S. 3192) to authorize the appointment of an additional judge for the District Court of the United States for the District of Montana was announced as next in order.

Mr. MURRAY. Mr. President, the purpose intended to be accomplished by the bill has already been accomplished by the omnibus judiciary bill. Therefore I ask that this bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, Senate bill 3192 will be indefinitely postponed.

BILLS PASSED OVER

The bill (H. R. 8565) defining the compensation of persons holding positions as deputy clerks and commissioners of United States district courts, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

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

The bill (S. 457) to amend sections 1 and 6 of the Civil Service Retirement Act approved May 29, 1930, as amended, was announced as next in order.

Mr. KING. Let the bill go over.

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

The bill (S. 3606) to amend the Interstate Commerce Act, as amended, by amending certain provisions of part II of said act, otherwise known as the Motor Carrier Act, 1935, was announced as next in order.

Mr. VANDENBERG. Mr. President, this bill should go over for the time being.

The PRESIDENT pro tempore. Objection being heard, the bill will be passed over.

REPORTING OF POSITION OF SHIPS AT SEA

The Senate proceeded to consider the bill (H. R. 7711) to amend the act approved June 19, 1934, entitled the "Communications Act of 1934," which was read, as follows:

Be it enacted, etc., That section 201 (b) of the act of June 19, 1934, entitled the "Communications Act of 1934," is hereby amended by inserting at the end thereof the following: "*Provided further*, That nothing in this act or in any other provision of law shall prevent a common carrier subject to this act from furnishing reports of positions of ships at sea to newspapers of general circulation, either at a nominal charge or without charge, provided the name of such common carrier is displayed along with such ship-position reports. The Commission may prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of this act."

Mr. WALSH. Mr. President, if there is any objection to this measure, I should like to have it explained by the chairman of the Committee on Interstate Commerce, the Senator from Montana [Mr. WHEELER]. Several persons have communicated with me with reference to it. They recommend the passage of the bill, and I am disposed to favor it.

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

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

INCREASE OF SALARIES OF VILLAGE LETTER CARRIERS

The bill (H. R. 4285) to increase the salaries of letter carriers in the village delivery service was announced as next in order.

Mr. KING. Mr. President, I have had a communication this morning suggesting an amendment, and I have not had time to examine it, so I will ask that the bill go over.

Mr. BARKLEY. Mr. President, I do not wish to try to persuade the Senator to withdraw his objection, but this is a meritorious bill, and I believe it should be considered at a very early date. The village carriers, who really do a character of work similar to that of carriers in the cities, receive considerably less for their services than do the regular city carriers. I hope the Senator will look into the matter as soon as possible.

Mr. KING. I will do so.

The PRESIDENT pro tempore. Objection being heard, the bill will be passed over.

BILL PASSED OVER

The bill (S. 3635) to encourage travel to and within the United States, and for other purposes, was announced as next in order.

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

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

EQUALIZATION OF ALLOWANCES OF ENLISTED MEN OF COAST GUARD

The bill (S. 3823) to equalize certain allowances for quarters and subsistence of enlisted men of the Coast Guard with those of the Army, Navy, and Marine Corps was announced as next in order.

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

Mr. COPELAND. Mr. President, there is an identical House bill on the calendar, being Calendar No. 1891, House bill 10190. I ask that the House bill be substituted for the Senate bill and be considered at this time.

The purpose of the bill, which was sent to the Commerce Committee by the Treasury Department, is to include the Coast Guard in the law which prescribes certain privileges for the Marine Corps. A Coast Guard man who is sick cannot now be given treatment as are the members of the military services. It was discovered by the Comptroller General that such payments for hospital care had been improperly charged against the Government, and the bill is to make possible the same treatment for the Coast Guard men as for the others.

Mr. KING. I have no objection.

The PRESIDENT pro tempore. Is there objection to the substitution of the House bill 10190 for the Senate bill and to the immediate consideration of the House bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 10190) to equalize certain allowances for quarters and subsistence of enlisted men of the Coast Guard with those of the Army, Navy, and Marine Corps, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act approved June 20, 1936 (49 Stat. 1545; U. S. C., Supp. III, title 34, sec. 914), is hereby amended, effective as of June 20, 1936, by inserting in line 15 thereof, after the word "Navy", the words "Coast Guard", and by inserting in line 17 thereof, after the words "Marine Corps Band", the words "Coast Guard Academy Band."

The PRESIDENT pro tempore. Without objection, Senate bill 3823 will be indefinitely postponed.

ROADS AND SCHOOLS IN ALASKA

The bill (H. R. 9722) to amend section 5 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes", approved January 27, 1905 (33 Stat. 616), was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the last three sentences of section 5 of the act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes", approved January 27, 1905 (33 Stat. 616), are hereby amended to read as follows:

"The Governor shall assign and set apart to each school district established and organized under the provisions of this section a sum, not less than $300 nor more than $1,000, in proportion to the number of pupils in the District, for the construction and equipment of a schoolhouse, which sum shall be paid by the Secretary of the Treasury to the treasurer of the Territory of Alaska upon the order and voucher of the Governor out of that portion of the said Alaska fund set apart for the establishment and maintenance of public schools. The residue of said portion of said fund, or so much thereof as may be necessary, shall by the Governor be apportioned among the several school districts established under the provisions of this section in amounts sufficient for each district to pay the wages of a teacher or teachers, together with the expense of fuel and light, supplies, and janitor service for 9 months' school in each year. And the amounts so apportioned to each school district shall be paid to the treasurer of the Territory of Alaska by the Secretary of the Treasury upon the order and voucher of the Governor out of the said portion of said fund."

CIVIL GOVERNMENT FOR ALASKA

The Senate proceeded to consider the bill (H. R. 7778) to amend section 26, title I, chapter 1, of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes", approved June 6, 1900, which had been reported from the Committee on Territories and Insular Affairs with amendments.

Mr. McNARY. Mr. President, when this bill and two others dealing with Alaskan matters were reached on the call of the calendar the last time, I objected to them because I desired further time to investigate the proposals. I have now no objection to their consideration.

The PRESIDENT pro tempore. The clerk will state the committee amendments.

The amendments were, on page 1, line 10, after the word "That", to strike out "subject only to such general limitations as may be necessary to exempt navigation from artificial obstructions" and to insert "subject only to the laws enacted by Congress for the protection and preservation of the navigable waters of the United States", and on page 3, line 1, after the word "order", to strike out "and the protection of the interests of commerce", so as to make the bill read:

Be it enacted, etc., That section 26, title I, chapter 1, of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes", approved June 6, 1900 (31 Stat. 321), is amended to read as follows:

"SEC. 26. The laws of the United States relating to mining claims, mineral locations, and rights incident thereto are hereby extended to the Territory of Alaska: *Provided*, That, subject only to the laws enacted by Congress for the protection and preservation of the navigable waters of the United States, all land and shoal water between low and mean high tide on the shores, bays, and inlets of Alaska, within the jurisdiction of the United States, shall be subject to exploration and mining for gold and other precious metals by citizens of the United States, or persons who have legally declared their intentions to become such, under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law: *Provided further*, That the rules and regulations established by the miners shall not be in conflict with the mining laws of the United States; and no exclusive permit shall be granted by the Secretary of the Interior authorizing any person or persons, corporation or company, to excavate or mine under any of said waters below low tide, and if such exclusive permit has been granted it is hereby revoked and declared null and void; but citizens of the United States or persons who have legally declared their intention to become such shall have the right to dredge and mine for gold or other precious metals in said waters, below low tide, subject to such general rules and regulations as the Secretary of the Interior may prescribe for the preservation of order; such rules and regulations shall not, however, deprive miners on the beach of the right hereby given to dump tailings into or pump from the sea opposite their claims, except where such dumping would actually obstruct navigation, and the reservation of a roadway 60 feet wide under the tenth section of the act of May 14, 1898, entitled 'An act extending the homestead laws and providing for right-of-way for railroads in the District of Alaska, and for other purposes' shall not apply to mineral lands or town sites."

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.

AMENDMENT OF TAX LAWS OF ALASKA

The bill (H. R. 7553) to amend the laws of Alaska imposing taxes for carrying on business and trade was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the paragraph of section 460, chapter 44, title II, of the act approved March 3, 1899, entitled "An act to define and punish crimes in the District of Alaska and to provide a Code of Criminal Procedure for said District" (30 Stat. 1336), as amended by the act approved June 6, 1900, entitled "An act making further provisions for a civil government for Alaska, and for other purposes" (31 Stat. 330), which reads as follows:

"Electric-light plants, furnishing light or power for sale, $300 per annum,"

is hereby amended to read as follows:

"Electric-light plants furnishing light and power for sale: Doing a business of $100,000 per annum, $500 per annum; doing a business of $75,000 per annum, $375 per annum; doing a business of $50,000 per annum, $250 per annum; doing a business of $25,000 per annum, $125 per annum; doing a business of $10,000 per annum, $50 per annum; doing a business of under $10,000 per annum, $25 per annum; doing a business of under $4,000 per annum, $10 per annum: *Provided*, That plants operated by municipal corporations, by cooperative societies, or eleemosynary institutions shall be required to pay only $10 per annum irrespective of the amount of business done.

ESTABLISHMENT OF PUBLIC-UTILITY DISTRICTS IN ALASKA

The bill (H. R. 7827) to authorize public-utility districts in the Territory of Alaska to incur bonded indebtedness, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I should like to inquire whether that measure was approved by the Committee on Territories and Insular Affairs and by the Delegate from Alaska? Let the bill be passed over so we may have an opportunity to look into the matter, after which I shall not object to consideration of the bill.

Mr. SCHWELLENBACH. Mr. President, what was the suggestion made with reference to the bill?

Mr. KING. I stated that I would not object to consideration of the bill later, but I asked that it go over now, so as to give us an opportunity to confer with the Delegate from Alaska as to the wisdom of the measure.

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

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

Mr. CLARK subsequently said: Mr. President, I ask unanimous consent to recur to Calendar 1747, being House bill 7827, which was passed over a few moments ago. All the bill does is to give to the smaller communities in Alaska, which are not large enough to become municipal corporations, an opportunity to organize districts for supplying themselves with electrical energy. There was no objection either in the House or in the Senate committee.

Mr. SCHWELLENBACH. In reference to that bill I may say that I was the one who asked that it go over. I now understand that a bill, with respect to which I have received many protests, is not the bill which was reported by the committee. I have no objection to the bill.

Mr. CLARK. I will say that the bill to which the Senator from Washington refers was not even considered by the Committee on Territories and Insular Affairs.

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

There being no objection, the bill (H. R. 7827) to authorize public-utility districts in the Territory of Alaska to incur bonded indebtedness, and for other purposes, was considered,

ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That public-utility districts in the Territory of Alaska, organized under the laws of said Territory, are hereby authorized to construct, improve, extend, better, repair, reconstruct, acquire, and operate any and all types of public utilities and improvements under and in accordance with and to the full extent provided by the laws of said Territory relating to public-utility districts in said Territory, and to incur bonded indebtedness and to issue negotiable bonds for any or all of said purposes: *Provided, however*, That no public-utility district shall incur bonded indebtedness or issue its negotiable bonds under this act to an amount which shall exceed 10 percent of the aggregate value of the real and personal property within such public-utility district subject to taxation by such district.

SEC. 2. No bonded indebtedness shall be incurred by any public-utility district in the Territory of Alaska unless the proposal to incur such indebtedness be first submitted to the qualified electors of such district whose names appear on the last tax-assessment roll or record of such district for purposes of district taxation, at an election called for such purpose, and not less than 65 percent of the votes cast at such election shall be in favor thereof. Not less than 20 days' notice of any such election shall be given by posting notices of the same in three conspicuous places within the district, one of which shall be posted at the front door of the United States post office therein, if there be a United States post office within such district. The registration for such election, the manner of conducting the same, the form of ballot, and the canvass of the returns shall be prescribed by the governing body of such district.

SEC. 3. Bonds issued pursuant to this act shall bear such date or dates, may be in such denominations, may mature in such amounts and at such time or times not exceeding 30 years from the date thereof, may be payable at such place or places, may be sold at public or private sale, may be redeemable (either with or without premium) or nonredeemable, may carry such registration privileges as to either principal and interest or principal only, and may be executed by such officers and in such manner as shall be prescribed by the governing body of the district issuing the bonds. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signatures, whether manual or facsimile, shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate to be fixed by the governing body of the district issuing the same, not to exceed, however, 6 percent per annum, payable semiannually. All such bonds shall be sold for not less than the principal amount thereof plus accrued interest.

SEC. 4. It shall be the duty of the governing body of every district which incurs such bonded indebtedness to levy or cause to be levied each year during the life of such outstanding bonds taxes in amounts sufficient seasonably to provide for payment and to pay all interest on and the principal of such obligations as they respectively accrue and mature.

SEC. 5. All acts and parts of acts in conflict herewith are hereby repealed to the extent of such conflict. The powers conferred by this act shall be in addition and supplemental to the powers conferred by any other law, and the limitations imposed hereby shall not affect the powers conferred by any other law.

CONVEYANCE OF MAALAEA AIRPORT, HAWAII

The bill (H. R. 8404) to authorize the Territory of Hawaii to convey the present Maalaea Airport on the island of Maui, Territory of Hawaii, to the Hawaiian Commercial & Sugar Co., Ltd., in part payment for 300.71 acres of land at Pulehu-Nui, island of Maui, Territory of Hawaii, to be used as a site for a new airport, was considered, ordered to a third reading, read the third time, and passed.

JUDICIAL CODE RELATING TO FEDERAL COURT DISTRICTS IN KENTUCKY

The bill (S. 3010) to repeal and reenact section 83 of the Judicial Code, as amended, relating to Federal court districts in the State of Kentucky was announced as next in order.

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

Mr. LOGAN. Mr. President, will the Senator who asked that the bill be passed over withhold his request until I can offer a perfecting amendment and have it adopted? I am not asking that the bill be passed at this time.

Mr. BARKLEY. Mr. President, I do not object to that action being taken. I knew that the Senator had an amendment he wished to offer. I did not think, however, the Senator wanted to have the bill taken up for consideration at this time.

Mr. LOGAN. I do not ask that the bill be passed at this time. I simply wish that action be taken on the amendment.

The PRESIDENT pro tempore. The Senator from Kentucky [Mr. LOGAN] asks unanimous consent that the bill may be considered, only for the purpose of presenting an amendment and having it acted upon. Is there objection to that request?

There being no objection, the Senate proceeded to consider the bill (S. 3010) to repeal and reenact section 83 of the Judicial Code, as amended, relating to Federal court districts in the State of Kentucky, which had been reported from the Committee on the Judiciary with amendments.

Mr. LOGAN. Mr. President, on page 3, line 5, after "Barren", I move to strike out "Bell"; in line 7, after "Green", strike out "Harlan"; in line 8, after "Laurel", strike out "Lawrence"; and in line 9, before "Lincoln", strike out "Leslie"; and I move that on page 1, line 9, after "Bath", to insert "Bell"; on page 2, line 1, after "Greenup", to insert "Harlan"; in the same line, after "Knott", to insert "Lawrence"; and in the same line, after "Lee", to insert "Leslie."

The purpose is to strike out the counties of Bell, Harlan, Lawrence, and Leslie in the middle district and to insert the same counties in proper alphabetical order in the provision with respect to the eastern district.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. LOGAN].

The amendment was agreed to.

Mr. LOGAN. I now ask that the bill, as amended, be passed over.

The PRESIDENT pro tempore. By agreement, the bill will be passed over.

BILLS PASSED OVER

The bill (S. 3502) to protect producers, manufacturers, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, or knitted or felted fabrics and in garments or articles of apparel or other articles made therefrom, and for other purposes, was announced as next in order.

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

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

The bill (S. 3510) amending section 202 of the Agricultural Adjustment Act of 1938, relating to new uses and new markets for farm commodities, was announced as next in order.

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

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

CITY OF NEW BRUNSWICK, N. J.

The bill (S. 1294) for the relief of the city of New Brunswick, N. J., was announced as next in order.

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

Mr. BURKE. Mr. President, the bill is rather complicated. I have talked to a number of Senators who doubt whether it can be taken up under the 5-minute rule. I shall make a brief explanation and then if objection is persisted in the bill may go over.

In 1918 Congress passed an act to authorize the President to provide housing for war needs, and the United States Housing Authority was established. Among the ventures in which that Authority engaged was the acquisition of 42 acres just outside the city of New Brunswick, N. J., where 192 houses were built. In 1920 all those houses were sold under a contract which provided that upon the payment of 10 percent of the cost the Government would give a good and sufficient warranty deed free and clear of encumbrance, but when the payments were made to that amount it was found that the city of New Brunswick had assessed taxes against the properties for 1918, 1919, and 1920, so that the Government could not give free title, and has not yet given title to the property.

The matter has been in court, having gone to the Supreme Court of the United States, and there is a very great dispute now between the city of New Brunswick, the United States Housing Authority, and the occupants of the 192 properties. The Committee on Claims has been attempting to work out a satisfactory compromise and agreed on the

bill which has been offered, but as I have said, a number of Senators have suggested changes in the bill, and I think it had better remain on the calendar until the matter can be satisfactorily adjusted.

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

CHIEF QUARTERMASTER CLERK DAVID C. BUSCALL

The Senate proceeded to consider the bill (S. 3810) to extend to Chief Quartermaster Clerk David C. Buscall, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to retired warrant officers, which was read, as follows:

Be it enacted, etc., That Chief Quartermaster Clerk David C. Buscall, United States Marine Corps (retired), is hereby placed on the retired list of the United States Marine Corps with the rank of captain: *Provided further*, That no increase in active or retired pay or allowances shall result from the passage of this act.

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

Mr. TYDINGS. Mr. President, the general law provides that when warrant officers are retired they shall be retired at the highest rank they held in the branch of the service in which they had served, and many warrant officers during the war had the temporary rank of officers. It so happens that the man in question served in two branches of the service, and has retired in a branch in which he did not have as high a rank as in the branch in which he served during the war. As the general law would have given him the right to retire in the highest rank he had reached if he stayed in one branch, the bill simply proposes to give him the rank which the general law by spirit intended that he should have.

The Department has approved the bill, and, so far as I know, there is no objection to it.

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.

SETTLEMENT OF OCEAN-MAIL CONTRACT CLAIMS

The bill (S. 3596) to amend section 402 of the Merchant Marine Act, 1936, to further provide for the settlement of ocean-mail contract claims, was announced as next in order.

Mr. COPELAND. Mr. President, an identical bill, H. R. 9577, is on the calendar. I ask unanimous consent that the House bill be substituted for the Senate bill, that the House bill be considered, and that the Senate bill be indefinitely postponed.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York?

There being no objection, the Senate proceeded to consider the bill (H. R. 9577) to amend section 402 of the Merchant Marine Act of 1936 to further provide for the settlement of ocean-mail contract claims, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 402 of the Merchant Marine Act, 1936, be hereby amended by adding thereto a new subsection (d) to read as follows:

"(d) Notwithstanding the provisions of the acts making appropriation for the Treasury and Post Office Departments for the fiscal years ending June 30, 1934, June 30, 1935, June 30, 1936, and June 30, 1937, which were approved, respectively, March 3, 1933 (47 U. S. Stat. L. 1510), March 15, 1934 (48 U. S. Stat. L. 446), May 14, 1935 (49 U. S. Stat. L. 239), and June 23, 1936 (49 U. S. Stat. L. 1850) as soon as practicable after the enactment of this subsection, and within 6 months after its enactment, the Commission, in its discretion, may proceed to attempt to adjust all differences with the holder of any contract alleged to have been made by the Postmaster General pursuant to the provisions of the Merchant Marine Act of 1928 for the carriage of mail, in cases where a suit, pending in the Court of Claims at the time of the enactment of this subsection and based upon the alleged termination or breach of such contract, had been filed by such contractor prior to July 1, 1937, including any claims of the contractor against the United States and any claims of the United States against such contractor, arising out of said contract. In adjusting such differences and claims the Commission shall not take into consideration any prospective or speculative future profits, but shall consider any and all payments theretofore made by the United States pursuant to such mail contract, and the profits realized as a result thereof, and the interest paid and the interest due according to law on construction loans, and all other facts deemed pertinent. If the contractor shall be willing to accept such determination and receive payment for the amount determined by the Commission to be a fair adjustment of such differences, the Commission is authorized and directed, concurrently with the dismissal of any suit based upon the alleged termination or breach of such contract filed by such contractor with prejudice and without costs, to enter into and execute a settlement agreement with such contractor, wherein such contractor shall release the United States from any and all claims arising from such contractor's mail contract: *Provided*, That the Attorney General of the United States shall review such settlement agreement, and if he is dissatisfied with such finding shall notify the Commission and the contractor in writing within 60 days and upon such notice the settlement agreement shall become null and void; otherwise the contractor shall be paid any sum of money due him under such settlement agreement out of such appropriation as the Congress may hereafter provide for this purpose from funds controlled by the Commission or from the general funds of the Treasury: *Provided*, That if any sum of money is payable to the contractor under the terms of any settlement agreement made pursuant to this subsection, such sums shall be applied (a) as a credit upon any amount owing by the contractor to the United States on any loan agreement entered into under section 11 of the Merchant Marine Act of 1920, as amended, or upon unpaid ship sales mortgage notes, (b) Federal taxes of the contractor due or to become due for the taxable year in which the settlement is made, and (c) on any other indebtedness of the contractor to the United States. If any such sums are applied as a credit as aforesaid, then the Comptroller General of the United States shall execute a discharge of the amount of such debts satisfied thereby. Nothing herein shall affect any right which such contractor may now have to maintain a suit arising out of such contract against the United States in the Court of Claims unless such suit is dismissed as provided herein: *Provided further*, That nothing herein shall be construed to affect any right or defense of any party in any suit pending in the Court of Claims: *And provided further*, That the enactment of this legislation shall not be considered or construed by the Commission or by any court as a legislative interpretation in favor of the validity or legality of any alleged contract involved in, or the basis of, any controversy or litigation, adjustment of which is permitted by this subsection."

The PRESIDENT pro tempore. Without objection, Senate bill 3596 will be indefinitely postponed.

BILL PASSED OVER

The bill (H. R. 6830) to prohibit the exportation of tobacco seed and plants, except for experimental purposes, was announced as next in order.

Mr. KING. I should like an explanation of the propriety of an act which forbids the exporting of our own commodities. I thought we were interested in finding markets for our surplus commodities.

Mr. BARKLEY. I shall have to ask that the bill go over.

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

MOUNT OLIVET CEMETERY CO., DISTRICT OF COLUMBIA

The bill (H. R. 10004) to amend an act entitled "An act to incorporate the Mount Olivet Cemetery Co. in the District of Columbia" was considered, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF DOMESTIC POTASH INDUSTRY

The resolution (S. Res. 274) extending the time for submittal of a report of an investigation of the domestic potash industry and matters relating thereto was considered and agreed to, as follows:

Resolved, That the report required to be made by the Committee on Public Lands and Surveys pursuant to Senate Resolution 274, Seventy-fourth Congress, second session, agreed to June 18, 1936, may be made at any time prior to the expiration of the Seventy-sixth Congress.

OBSERVATORY SITE, PALOMAR MOUNTAIN, CALIF.

The bill (H. R. 7534) to protect the telescope and scientific observations to be carried on at the observatory site on Palomar Mountain by withdrawal of certain public land included within the Cleveland National Forest, Calif., from location and entry under the mining laws was considered, ordered to a third reading, read the third time, and passed.

PRESERVATION OF AMERICAN ANTIQUITIES

The Senate proceeded to consider the bill (S. 3890) to extend the provisions of the act of June 8, 1906 (34 Stat. 225), entitled "An act for the preservation of American antiquities,"

and for other purposes, which had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 8, after "United States", to insert "in the vicinity of Fort Jefferson National Monument and Key West, Fla."; and on page 2, line 1, after the word "protecting", to insert "the great White Heron", so as to make the bill read:

Be it enacted, etc., That the provisions of the act of June 8, 1906 (34 Stat. 225), entitled "An act for the preservation of American antiquities", are hereby extended so as to authorize the President of the United States, in his discretion, to declare, by public proclamation, lands owned or controlled by the United States in the vicinity of Fort Jefferson National Monument and Key West, Fla., which are of outstanding scientific value, as national monuments, for the purpose of protecting the great White Heron, the plant and animal life native thereto, and to vest the jurisdiction thereof in such department or agency of the Government as he may designate.

The amendments were agreed to.

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

Mr. ANDREWS subsequently said: While I was out of the Chamber the Senate passed Senate bill 3890, Calendar No. 1794. I move that the vote by which the bill was passed be reconsidered, in order that the bill may go back to the calendar, and that a change may be made in the amendment which was adopted.

Mr. WHEELER. Mr. President, to what bill is the Senator referring?

Mr. ANDREWS. Senate bill 3890. Further information has been received from the Department, and no doubt a change ought to be made in the amendment which was added by the committee. I have not had time to take the matter up with the committee.

The PRESIDING OFFICER. Without objection, the vote by which Senate bill 3890 was passed will be reconsidered, and the bill will be restored to the calendar.

RECREATIONAL FACILITIES, CHOPAWAMSIC RECREATIONAL PROJECT

The Senate proceeded to consider the bill (H. R. 6351) to provide for the operation of the recreational facilities within the Chopawamsic Recreational Demonstration Project, near Dumfries, Va., by the Secretary of the Interior through the National Park Service, and for other purposes, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, after line 9, to strike out:

SEC. 3. The Director of the National Park Service, under the direction of the Secretary of the Interior, is hereby further authorized, in his discretion, to enter into contract or contracts with any reliable person, organization, or corporation, without advertising and without securing competitive bids, for the operation of facilities within the said area.

And to renumber the sections.

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.

TITLE OF LOUIS LABEAUME TO CERTAIN LANDS

The bill (H. R. 8487) confirming to Louis Labeaume, or his legal representatives, title to a certain tract of land located in St. Charles County, in the State of Missouri, was considered, ordered to a third reading, read the third time, and passed.

KANIKSU NATIONAL FOREST, WASH.

The bill (H. R. 8203) for the inclusion of certain lands in the Kaniksu National Forest in the State of Washington, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

FLOOD DAMAGE IN ANGELES NATIONAL FOREST, CALIF.

The Senate proceeded to consider the bill (H. R. 5685) to facilitate the control of soil erosion and flood damage originating upon lands within the exterior boundaries of the Angeles National Forest in the State of California, which had been reported from the Committee on Public Lands and Surveys with amendments.

The first amendment was, on page 1, line 6, after the word "authorized", to insert "whenever appropriation for that purpose is made," so as to read:

Be it enacted, etc., That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized, whenever appropriation for that purpose is made, to acquire by purchase any lands within the boundaries of the Angeles National Forest in the State of California which, in his judgment, should become the property of the United States—

And so forth.

The amendment was agreed to.

The next amendment was, on page 2, line 2, after the word "flood," to strike out "damage, and to pay for said lands from the entire receipts from the sale of natural resources other than mineral or occupancy of publicly owned lands within the said national forest, which receipts are" and insert "damage. For the purposes of this act there is," so as to read:

in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage. For the purposes of this act there is hereby authorized to be appropriated—

And so forth.

The amendment was agreed to.

Mr. KING. Mr. President, I should like to make an inquiry concerning the bill. The inquiry is whether, if lands are acquired, they must be paid for by direct appropriation, or out of the funds which may accrue in the Forest Service organization.

I recall that in the case of one or two States in which additions have been made to the forests by the acquisition of contiguous territory, the law provided that the payments for the lands should come out of the funds derived by the Forest Service from leases which it made. This seems to be a direct appropriation, without the qualification to which I have referred. I should like to know why the distinction is made.

Unless there is an explanation of the matter, I ask that the bill be passed over temporarily.

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

MODOC, SHASTA, AND LASSEN NATIONAL FORESTS, CALIF.

The Senate proceeded to consider the bill (H. R. 7688) to authorize the addition of certain lands to the Modoc, Shasta, and Lassen National Forests, Calif., which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, line 6, after the word "withdrawals", to insert a proviso, so as to make the bill read:

Be it enacted, etc., That within the following-described areas any lands not in Government ownership, which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes, may be offered in exchange under the provisions of the act of March 20, 1922 (Public, No. 173; 42 Stat. L. 465), as amended by the act of February 28, 1925 (Public, No. 513), upon notice as therein provided and upon acceptance of title, shall become parts of the said national forests; and any of such described areas in Government ownership, found by the Secretaries of Agriculture and the Interior to be chiefly valuable for national-forest purposes and not now parts of any national forest, may be added to said national forests as herein provided by proclamation of the President, subject to all valid claims and provisions of existing withdrawals: *Provided*, That any lands received in exchange or purchased under the provisions of this act shall be open to mineral locations, mineral development, and patent, in accordance with the mining laws of the United States:

To the Shasta National Forest, California:

Township 36 north, range 3 east, section 36;

Township 36 north, range 4 east, sections 7 to 9, inclusive, 16 to 21, inclusive, and 28 to 33, inclusive;

Township 37 north, range 3 east, sections 1, 9, 10, 15 and 16;

Township 37 north, range 4 east, sections 5 and 8;

Township 38 north, range 4 east, sections 1, 2, 11 to 20, inclusive, and 29 to 32, inclusive;

Township 38 north, range 4 west, section 21;

Township 38 north, range 5 east, sections 4 to 9, inclusive, 18 and 19;

Township 39 north, range 4 east, sections 13, 24, 25, 26, 35, and 36;

To the Modoc National Forest, California:

Township 38 north, range 5 east, sections 21, 22, 25, 26, 27, 34, 35, and 36;
Township 43 north, range 5 east, sections 2 to 11, inclusive, and 14 to 18, inclusive;
Township 44 north, range 5 east, sections 19 to 23, inclusive, and 26 to 35, inclusive;
To the Lassen National Forest, California:
Township 27 north, range 10 east, section 6;
Township 28 north, range 6 east, sections 1, 2, 3, 12, 13, 14, 22 to 27, inclusive, 32, 33, 34, 35, and 36;
Township 28 north, range 7 east, sections 2 to 8, inclusive, 11 to 14, inclusive, 18, 19, 23 to 26, inclusive, 29 to 33, inclusive, and 36;
All township 28 north, range 8 east;
All township 28 north, range 9 east;
Township 28 north, range 10 east, sections 5 to 8, inclusive, 16 to 20, inclusive, 30, and 31;
Township 29 north, range 6 east, sections 23 to 26, inclusive, 35, and 36;
Township 29 north, range 7 east, sections 13, 16, 19, 20, 21, 24, 25, and 28 to 36, inclusive;
Township 29 north, range 8 east, sections 14 to 36, inclusive;
Township 29 north, range 9 east, sections 1, 9 to 16, inclusive, and 21 to 36, inclusive;
All of Mount Diablo base and meridian, California.

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.

SHASTA AND KLAMATH NATIONAL FORESTS, CALIF.

The Senate proceeded to consider the bill (H. R. 7689) to authorize the addition of certain lands to the Shasta and Klamath National Forests, Calif., which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, line 7, after the word "withdrawals", to insert a proviso, so as to make the bill read:

Be it enacted etc., That within the following-described areas any lands not in Government ownership, which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes, may be offered in exchange under the provisions of the act of March 20, 1922 (Public, No. 173; 42 Stat. L. 465), as amended by the act of February 28, 1925 (Public, No. 513), upon notice as therein provided and upon acceptance of title, shall become parts of the said national forests; and any of such described areas in Government ownership, found by the Secretaries of Agriculture and the Interior to be chiefly valuable for national-forest purposes and not now parts of any national forest, may be added to said national forest as herein provided by proclamation of the President, subject to all valid claims and provisions of existing withdrawals: *Provided*, That any lands received in exchange or purchased under the provisions of this act shall be open to mineral locations, mineral development, and patent, in accordance with the mining laws of the United States:
To the Shasta National Forest, Calif.:
Township 40 north, range 4 west, sections 7, 8, 9, 16, 17, 18, 20, and 21;
Township 40 north, range 7 west, sections 6 and 7;
Township 40 north, range 8 west, sections 1, 2, 3, 5 to 11, inclusive, 15 to 18, inclusive, 21, and 22;
Township 40 north, range 9 west, sections 1, 12, and 13;
Township 41 north, range 5 west, sections 4 and 5;
All township 41 north, range 9 west;
Township 41 north, range 10 west, sections 25 and 36;
Township 43 north, range 3 west, sections 3 to 11, inclusive, and 17 to 19, inclusive;
Township 43 north, range 4 west, sections 1 to 13, inclusive, 15 to 19, inclusive, 21, 22, 23, 25, and 27 to 33, inclusive;
Township 44 north, range 3 west, sections 1 to 5, inclusive, 7 to 17, inclusive, 19 to 29, inclusive, and 31 to 36, inclusive;
Township 44 north, range 4 west, sections 1, 2, 3, 10 to 15, inclusive, 22 to 27, inclusive, 34, 35, and 36;
Township 45 north, range 1 east, sections 1 to 6, inclusive, and 8 to 18, inclusive;
Township 45 north, range 2 east, sections 1 to 13, inclusive, 17 and 18;
Township 45 north, range 1 west, sections 1 to 18 inclusive;
All township 45 north, range 2 west;
Township 45 north, range 3 west, sections 1, 3 to 18, inclusive, 21 to 27, inclusive, 31, 33, 34, 35, and 36;
Township 45 north, range 4 west, sections 1, 3, 10 to 13, inclusive, 15, 22, 23, 25, 27, 34, 35, and 36;
All township 46 north, range 2 west;
Township 46 north, range 3 west, sections 1, 2, 13, 24, 25, 29, 32, 33, 35, and 36;
Township 46 north, range 4 west, sections 1 to 11, inclusive, 14 to 23, inclusive, and 25 to 36, inclusive;
All township 47 north, range 2 west;
Township 47 north, range 3 west, sections 1, 2, 3, 9 to 17, inclusive, 21 to 27, inclusive, 29, 34, 35, and 36;
All township 47 north, range 4 west;
Township 48 north, range 2 west, sections 13 to 21, inclusive, and 23 to 36, inclusive;
Township 48 north, range 3 west, sections 13 to 17, inclusive, 20 to 29, inclusive, and 32 to 36, inclusive;
All township 48 north, range 4 west;
All Mount Diablo base and meridian, California;
To the Klamath National Forest, Calif.:
Township 41 north, range 10 west, section 1;
Township 42 north, range 9 west, sections 5 to 8, inclusive, 17 to 20, inclusive, and 29 to 32, inclusive;
Township 42 north, range 10 west, sections 1 to 5, inclusive, 7 to 19, inclusive, 21 to 25, inclusive, and 36;
Township 43 north, range 9 west, sections 4 to 9, inclusive, 16 to 20, inclusive, and 29 to 32, inclusive;
All township 43 north, range 10 west;
Township 44 north, range 7 west, section 6;
Township 44 north, range 8 west, sections 1, 2, 3, 4, 5, 7 to 36, inclusive;
Township 44 north, range 9 west, sections 1, 3 to 9, inclusive, and 11 to 36, inclusive;
Township 44 north, range 10 west, sections 1 to 5, inclusive, and 7 to 36, inclusive;
Township 45 north, range 7 west, sections 20, 29, and 30;
Township 45 north, range 8 west, sections 25, 26, 34, 35, and 36;
Township 47 north, range 7 west, sections 2 to 29, inclusive, 35, and 36;
Township 47 north, range 8 west, section 1;
Township 48 north, range 7 west, sections 16 to 21, inclusive, and 27 to 34, inclusive;
Township 48 north, range 8 west, sections 13, 14, 15, 22, 23, 24, 25, 27, 35, and 36;
All Mount Diablo base and meridian, California.

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.

PLUMAS, TAHOE, AND LASSEN NATIONAL FORESTS, CALIF.

The Senate proceeded to consider the bill (H. R. 7690) to authorize the addition of certain lands to the Plumas, Tahoe, and Lassen National Forests, Calif., which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, line 7, after the word "withdrawals", to insert a proviso, so as to make the bill read:

Be it enacted, etc., That within the following-described areas any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be offered in exchange under the provisions of the act of March 20, 1922 (Public, No. 173; 42 Stat. L. 465), as amended by the act of February 28, 1925 (Public, No. 513), upon notice as therein provided and upon acceptance of title, shall become parts of the said national forests; and any of such described areas in Government ownership found by the Secretaries of Agriculture and the Interior to be chiefly valuable for national-forest purposes and not now parts of any national forest may be added to said national forests as herein provided by proclamation of the President, subject to all valid claims and provisions of existing withdrawals: *Provided*, That any lands received in exchange or purchased under the provisions of this act shall be open to mineral locations, mineral development, and patent, in accordance with the mining laws of the United States:
To the Plumas National Forest, Calif.:
Township 19 north, range 6 east, sections 1, 12, and 13;
Township 19 north, range 7 east, sections 2 to 11, inclusive, 14 to 23, inclusive, and 26 to 35, inclusive;
Township 21 north, range 14 east, section 4;
Township 22 north, range 14 east, sections 10, 15, 16, 21, 22, 27, 28, 33, and 34;
Township 24 north, range 9 east, sections 12, 13, 14, and 15;
Township 24 north, range 10 east, sections 7, 16, 17, 18, 20, and 21;
All Mount Diablo base and meridian, California.
To the Tahoe National Forest, Calif., township 17 north, range 9 east, sections 14, 23, 26, southeast southwest sections 34 and 35;
Township 19 north, range 18 east—that part of the following sections situated in the State of California, to wit: Sections 6, 7, 18, 19, 30, and 31;
Township 20 north, range 18 east—that part of the following sections situated in the State of California, to wit: Sections 6, 7, 18, 19, 30, and 31;
Township 21 north, range 14 east, sections 9, 16, and 21;
Township 21 north, range 17 east, sections 17, 19, 20, 28, 29, 33, 34, 35, and 36;
Township 22 north, range 16 east, sections 23 and 24;
To the Lassen National Forest, Calif.:
Township 25 north, range 1 east, sections 1 to 18, inclusive;
Township 25 north, range 2 east, sections 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36;
Township 25 north, range 3 east, sections 1, 3, 7, 8, 9, and 11 to 36, inclusive;

Township 25 north, range 4 east, sections 4 to 9, inclusive, 16 to 21, inclusive, and 28 to 33, inclusive;
All township 26 north, range 1 east;
Township 26 north, range 3 east, sections 1, 2, 3, 10 to 16, inclusive, 22 to 28, inclusive, 33, 34, 35, and 36;
Township 26 north, range 4 east, sections 5, 6, 7, 8, 15 to 22, inclusive, and 27 to 33, inclusive;
Township 27 north, range 1 west, sections 1, 2, 3, 10 to 15, inclusive, 22 to 27, inclusive, 34, 35, and 36;
Township 27 north, range 1 east, sections 35 and 36;
Township 27 north, range 2 east, section 36;
Township 27 north, range 3 east, sections 11 to 17, inclusive, 19, 20, 21, 23 to 27, inclusive, and 29 to 36, inclusive;
Township 27 north, range 4 east, section 31;
Township 28 north, range 1 west, sections 1, 12, 13, 24, 25, and 36;
Township 28 north, range 1 east, section 1;
Township 28 north, range 2 east, sections 1 to 18, inclusive, 23, 24, 25, 26, 35, and 36;
Township 28 north, range 3 east, sections 6, 7, 16, 18, 19, 20, 21, 22, and 27 to 33, inclusive;
Township 29 north, range 1 west, section 36;
Township 29 north, range 1 east, sections 23 to 26, inclusive, and 31 to 36, inclusive;
Township 29 north, range 2 east, sections 19 to 36, inclusive;
Township 29 north, range 3 east, sections 19, 20, 21, and 28 to 32, inclusive;
All Mount Diablo base and meridian, California.

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.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT, 1930, AS AMENDED

Mr. NEELY. Mr. President, during my necessary absence from the Chamber, Calendar No. 1715, Senate bill 457, to amend sections 1 and 6 of the Civil Service Retirement Act approved May 29, 1930, as amended, was passed over, presumably because of objections to its present consideration.

Notice is now given that I shall in the near future endeavor to prevail upon the Senate to pass this bill.

BILLS PASSED OVER

The bill (S. 3908) to authorize certain officers of the United States Army to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered was announced as next in order.

Mr. FRAZIER. Let the bill go over.

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

The bill (S. 3397) to amend title 45, chapter 2, section 51, of the Code of Laws of the United States was announced as next in order.

Mr. KING. Let the bill go over.

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

The bill (S. 3948) to amend so much of the Reconstruction Finance Corporation Act, as amended, as relates to railroads was announced as next in order.

Mr. BARKLEY (and several other Senators). Let the bill go over.

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

OSCAR L. MATHER

The bill (S. 3940) authorizing the Comptroller General of the United States to adjust and settle the claim of Oscar L. Mather 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 settle and adjust the claim of Oscar L. Mather, Madison Lake, Minn., for $241.80, for timber removed from his land, without authority therefor, by employees of the Government stationed at Civilian Conservation Corps Camp S-53, Side Lake, Minn., and to allow in full and final settlement of the claim the sum of not to exceed $241.80. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $241.80, or so much thereof as may be necessary, for the payment of the claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

ALPHA T. JOHNSON

The Senate proceeded to consider the bill (S. 3739) for the relief of Alpha T. Johnson, which had been reported from the Committee on Claims with amendments, on page 1, line 3, after the words "That the", to strike out "Postmaster General" and insert "Comptroller General of the United States"; in line 4, after the words "directed to", to strike out "cancel the charges entered on" and insert "credit"; and in line 7, after the words "the amount of," to strike out "$183.45" and insert "$179.45", so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to credit the accounts of Alpha T. Johnson, postmaster at Fort Ransom, N. Dak., in the amount of $179.45, representing stamp and postal funds and stamp stock stolen from the Fort Ransom post office on August 18, 1936.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Alpha T. Johnson a sum equal to the total sum of any amounts which have been paid by her to the United States in settlement of such funds and stamp stock.

The amendments were agreed to.

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

COMPENSATION OF CERTAIN IMMIGRATION AND NATURALIZATION SERVICE EMPLOYEES

Mr. SCHWELLENBACH. Mr. President, I ask unanimous consent to recur to Calendar No. 1520, being House bill 1543. I understand that during my absence the Senator from Kentucky [Mr. BARKLEY] made objection to the bill.

Mr. BARKLEY. I made the objection under a misapprehension. I thought it was another bill.

Mr. SCHWELLENBACH. I ask unanimous consent for the present consideration of House bill 1543. I understand that the Senator from New York [Mr. COPELAND] has an amendment which will meet the objection which has been made to this character of legislation, as a result of which bills have been vetoed.

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 (H. R. 1543) to amend section 24 of the Immigration Act of 1917, relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes.

The PRESIDENT pro tempore. The amendment, in the nature of a substitute, heretofore submitted by the Senator from New York [Mr. COPELAND], will be stated.

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

That from and after July 1, 1938, field employees other than immigrant inspectors of the United States Immigration and Naturalization Service who have served or may hereafter serve 2 or more years, and have attained or may hereafter attain satisfactory efficiency ratings, shall be paid at no less than the average rates of compensation specified for the grades to which their positions have been or may hereafter be allocated pursuant to the provisions of the Classification Act of 1923, as amended (U. S. C., title 5, sec. 673): *Provided*, That the average of the salaries of the total number of persons under any grade in this service or appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Classification Act of 1923, as amended. The appropriation of such sums as may be necessary for the classification of such positions and the payment of such average rates of compensation is hereby authorized, and the first limitation of the proviso to section 7 of such Classification Act of 1923, as amended, shall not be held to apply. Nothing herein contained shall operate to reduce the compensation of any such field employee.

The amendment was agreed to.

Mr. COPELAND. Mr. President, as I understand the matter, the amendment which I have offered answers the objections of the President to the original bill, and places the immigration officials, with respect to their retirement, on the same basis as employees in other departments.

Mr. DAVIS. Mr. President, I should like to have the Senator from New York explain the bill.

Mr. COPELAND. I shall be glad to do so.

Mr. RUSSELL. Mr. President, I have no objection to the adoption of the amendment, but I should like to have

the bill passed over until I have an opportunity to go more thoroughly into it.

Mr. COPELAND. That course is satisfactory to me.

The PRESIDENT pro tempore. At the request of the Senator from Georgia the bill will be passed over.

FAYE B. MILLIE

The bill (S. 3034) for the relief of Faye B. Millie 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 Faye B. Millie, of Salem, Oreg., the sum of $176.13 in full satisfaction of all her claims against the United States for compensation for the performance of services as pay-roll clerk by her from September 16 to October 30, 1936, inclusive, in the office of the Oregon Recreational Demonstration Project No. 4 of the National Park Service, at Salem, Oreg.: *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 such 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 such 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.

CHRIST RIEBER

The bill (S. 3534) for the relief of Christ Rieber 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 Christ Rieber, of Reichle, Mont., the sum of $1,000 in full satisfaction of his claim against the United States for damages resulting from the loss by fire on April 22, 1936, of a house and shed owned by him which was occupied by a Civilian Conservation Corps truck trails survey crew under the jurisdiction of the Department of Agriculture: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or 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.

A. J. MOSES

The Senate proceeded to consider the bill (S. 2948) for the relief of A. J. Moses, which had been reported from the Committee on Claims with amendments, on page 1, line 11, after the word "age", to strike out "3" and insert "10"; and on page 2, line 3, after "1936", 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 allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to A. J. Moses, of Jellico Creek, Ky., in his own right and as legal guardian of Gladys Moses, a minor, the sum of $2,500 in full and final settlement of any and all claims against the United States for damage to his automobile and for personal injuries sustained by Gladys Moses, age 10, when the automobile belonging to A. J. Moses was struck by a Government truck operated in connection with the Civilian Conservation Corps, on State Highway 92, near Williamsburg, Ky., on the night of September 12, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

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

LEWIS M. FOSTER

The Senate proceeded to consider the bill (S. 3470) for the relief of Louis M. Foster, which had been reported from the Committee on Claims with an amendment, on page 1, line 10, after the words "claim of", to strike out "Louis" and insert "Lewis", so as to make the bill read:

Be it enacted, etc., That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of Lewis M. Foster, of Warren, Ohio, for disability alleged to have been incurred by him on May 12, 1936, while employed by the Works Progress Administration in Ohio, and to determine said claim upon its merits under provisions of said act: *Provided*, That claim hereunder shall be filed within 6 months after the approval of this act: *Provided further*, That no benefits shall accrue prior to the enactment of this act.

The 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 Lewis M. Foster."

RICHARD K. GOULD

The Senate proceeded to consider the bill (S. 3446) for the relief of Richard K. Gould, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and allow the claim of Richard K. Gould for compensation for services rendered as United States commissioner in the district of Maine, from January 1, 1935, to August 31, 1936, notwithstanding the fact that accounts therefor were not submitted by the commissioner within 1 year after the rendition of such services in accordance with the provisions of the act of March 1, 1933 (47 Stat. 1385).

The amendment was agreed to.

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

MR. AND MRS. P. F. NIXON

The Senate proceeded to consider the bill (S. 3587) for the relief of Mr. and Mrs. P. F. Nixon, parents of Herschel Lee Nixon, deceased minor son, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of", to strike out "$7,500" and insert "$3,000", 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, to Mr. and Mrs. P. F. Nixon, of Littlefield, Tex., parents of Herschel Lee Nixon, deceased minor son, the sum of $3,000 in full satisfaction of all their claims against the United States for compensation on account of fatal injuries received by the said Herschel Lee Nixon on October 6, 1937, when he was crushed by a truck negligently driven by an employee of the Works Progress Administration, near Spade, Tex., which injuries resulted in the immediate death of the said Herschel Lee Nixon: *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.

MARY KANE AND OTHERS

The bill (H. R. 4222) for the relief of Mary Kane, Ella Benz, Muriel Benz, John Benz, and Frank Restis, was considered, ordered to a third reading, read the third time, and passed.

BERTRAM RICH

The Senate proceeded to consider the bill (S. 662) for the relief of Bertram Rich, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "$2,574" and insert

"$1,574"; and in line 10, after the word "Massachusetts", 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 to Bertram Rich, out of any money in the Treasury not otherwise appropriated, the sum of $1,574 in full settlement of all claims against the Government for injuries sustained by his daughter, Jeanne Rich, when the automobile in which she was riding was struck by a United States mail truck on February 28, 1932, in Boston, Mass.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

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

MARTIN BRIDGES

The Senate proceeded to consider the bill (H. R. 1872) for the relief of Martin Bridges, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of", to strike out "$1,946.74" and insert "$1,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Martin Bridges, of Greenville, S. C., out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, the sum of $1,000 in full settlement of all claims against the United States for damages to his one Graham and two Packard automobiles, as the result of an accident which occurred on September 25, 1935, on the TVA Freeway, between Knoxville and Norris, Tenn., involving a National Park Service truck operated by the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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.

BRUCE G. COX

The bill (S. 2208) for the relief of Bruce G. Cox was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Bruce G. Cox is hereby released from any liability to refund or pay to the United States any sum allowed or paid pursuant to dental authorizations issued and vouchers approved in his favor between April 1, 1926, and January 12, 1933. No deductions on account of any such sum shall be made from any amount due or payable out of Government funds to the said Bruce G. Cox. In case there has been heretofore withheld or deducted from any amounts otherwise payable out of Government funds to the said Bruce G. Cox any amount on account of any such sum, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Bruce G. Cox a sum equal to the amount so withheld or deducted.

DAMAGES INCIDENT TO ESTABLISHMENT OF ABERDEEN PROVING GROUND, MD.

The joint resolution (S. J. Res. 114) for the relief of certain persons who suffered damages occasioned by the establishment and operation of the Aberdeen Proving Ground was announced as next in order.

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

Mr. TYDINGS. Mr. President, the joint resolution was reported unanimously by the Committee on Claims. Prior to being reported, a subcommittee of the Committee on Claims, headed by the Senator from Kentucky [Mr. LOGAN], visited the site, talked with people, viewed the evidence, and submitted a report.

The joint resolution is the result of an understanding between the Federal Government and certain persons in connection with the establishment of the Aberdeen Proving Grounds, in Harford County, Md. It will be recalled that in acquiring the Aberdeen Proving Grounds it was necessary to move overnight several hundred families, living in the richest farming section in the State of Maryland, from their land. Their graveyards, their churches, their schoolhouses, and everything they had were taken by the Government. There was no eminent domain proceeding, no condemnation. The residents got off the property at the request of the Federal Government, upon the definite assurance that they would be compensated for any damages they should sustain.

The Federal Government attempted to make good and to carry out its program, and Secretary of War, Newton D. Baker, sent a bill to the Congress, but, in the haste of the World War, the Government actually went in and took the property before payment was made to the individuals, and then endeavored to settle with them afterward. The joint resolution is simply designed to carry out the understanding which the Government had with the persons who were damaged.

A subcommitee has visited the locality, seen the Aberdeen Proving Grounds, and I feel that there can be no sound objection to the measure, because there is in the report filed by the committee the statement of the Secretary of War and all the other memoranda which concerned the transaction at the time it took place.

Mr. McKELLAR. Mr. President, did the Claims Committee go over it?

Mr. TYDINGS. Not all the committee, but a subcommittee, headed by the Senator from Kentucky [Mr. LOGAN], went to the place, went over all the property, and viewed, at first hand, the entire situation.

Mr. McKELLAR. If the subcommittee examined the property and the entire matter and made their report I have no objection.

Mr. TYDINGS. They examined each piece of property which is covered by the bill.

Mr. KING. Mr. President, may I ask the Senator a question?

Mr. TYDINGS. I yield.

Mr. KING. Was not something paid to them in the beginning?

Mr. TYDINGS. Nothing was paid to them in the beginning.

Mr. KING. I thought that an appropriation of six or seven million dollars was made.

Mr. TYDINGS. My recollection is that the amount was $4,000,000, to be supplemented by $3,000,000 to take care of them, but the $3,000,000 was not paid. The Government took the property over in the meantime. These claimants filed their cases first with a Maryland commission, which took much evidence and submitted it to Congress.

Later the claimants came to Congress. The War Department in the memorandum presented by it shows that it was always the intention to pay them the money which the joint resolution provides.

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

Mr. TYDINGS. I yield.

Mr. BURKE. While it is true that the entire Claims Committee did not go to Aberdeen and investigate the property, the subcommittee which did investigate it made a report to the full committee, the full committee went into the matter very thoroughly and approved unanimously the action of the subcommittee.

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

There being no objection, the Senate proceeded to consider the joint resolution (S. J. Res. 114) for the relief of certain persons who suffered damages occasioned by the establishment and operation of the Aberdeen Proving Ground, which had been reported from the Committee on Claims with amendments, on page 16 at the end of line 1, to strike out "$29,937" and insert "$19,000"; in line 3, after the word "estate," to strike out "$15,000" and insert "$7,500"; in the same line, after the name "Fyle", to strike out "$9,500", and

insert "$4,250"; in line 4, after the word "Company", to strike out "$44,300", and insert "$30,000"; in line 5, after the name "Bay", to strike out "$2,100" and insert "$1,500"; in line 6, after the name "Wirsing", to strike out "$16,000" and insert "$8,000"; and at the end of line 6 to strike out "together, respectively, with 4 percent interest on the above sums from January 1, 1918, to date of payment," so as to make the joint resolution read:

Resolved, 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 claimants in this act named the several sums appropriated herein, which shall be in full settlement of all claims they may have respectively for damages against the United States Government occasioned by the establishment and operation of the Aberdeen Proving Ground, namely: F. O. Mitchel & Bro., $19,000; W. E. Boeschel, representative of the J. H. Emmord estate, $7,500; Samuel L. Fyle, $4,250; John W. Bay & Co., $30,000; Harry C. Holloway, $2,500; Mrs. Emma W. Bay, $1,500; Mrs. Emma A. Wirsing, $8,000; representing the amount of consequential damages suffered by the above-named persons in connection with the establishment and operation by the United States Government of the Aberdeen Proving Ground, in Harford and Baltimore Counties, Md.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

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

The preamble was agreed to.

LESLIE TRUAX

The Senate proceeded to consider the bill (S. 3181) for the relief of Leslie Truax, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of", to strike out "$2,000" and insert "$1,000", and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Leslie Truax the sum of $1,000 in full settlement of any and all claims against the United States for injuries sustained on July 9, 1935, while a member of Battery A of the Citizens' Military Training Corps at Fort Snelling, Minn.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

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

GEORGE W. MASON, TRUSTEE

The bill (S. 3113) for the relief of George W. Mason, trustee for the Congress Construction Co., was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of this bill and also the bill which follows it on the calendar? I presume they are to be taken together.

Mr. SCHWELLENBACH. Mr. President, Calendar No. 1820, being Senate bill 3113; Calendar No. 1822, being Senate bill 3294; and Calendar No. 1823, being Senate bill 3295, are taken together. Calendar No. 1821, being House bill 5743, is an entirely different kind of bill.

The three bills of the same character relate to corporations which had contracts with the Government prior to adoption of the National Industrial Recovery Act. After the adoption of that act, Congress passed a general statute giving to the Comptroller General the right to make adjustments with these concerns of the amount of their contracts because of their increased costs in complying with the act. These three bills involve disputes between the War Department, for example, and the Comptroller General's office. The committee has taken the reduced figures of the War Department, or the Department involved, in the case of each one of the three bills. The Department recommends them.

The method of procedure, which has been very carefully worked out, is that a regular set of auditors audit the books of a concern that is making a claim of this kind, and make recommendations as to the amount to be allowed.

Mr. McKELLAR. Did the committee recommend the payment of the claims?

Mr. SCHWELLENBACH. Yes; in the amount that the bills as amended provide.

Mr. McKELLAR. Has there been any litigation about the matters involved?

Mr. SCHWELLENBACH. No.

Mr. McKELLAR. They are claims which have merely come over from a time 20 years ago since the war?

Mr. SCHWELLENBACH. No. These are N. R. A. claims.

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Is there objection to the present consideration of Senate bill 3113?

There being no objection, the Senate proceeded to consider the bill (S. 3113) for the relief of George W. Mason, trustee for the Congress Construction Co., which had been reported from the Committee on Claims with amendments on page 1, line 7, after the words "sum of", to strike out "$7,380.54" and insert "$3,335.51"; in line 8, after the word "company", to insert "against the United States"; in line 9, after the word "labor", to strike out "and material"; in line 10, after the words "request of", to strike out "defendant's" and insert "Government"; on page 2, line 1, after the word "agreement", to strike out "and/or the applicable approved code"; and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George W. Mason, trustee for the Congress Construction Co., of Chicago, Ill., the sum of $3,335.51 in full settlement of the claim of said company against the United States for increased cost of labor incurred due to increase of wages at the request of Government officers and/or to the National Reconstruction Administration and/or the President's Reemployment Agreement in the performance by said company of contract with the United States Engineers Office known as W-559-eng-2933, dated September 29, 1932, for the construction of dikes and revetment of Walker's Bar, Ohio River: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The 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 for the relief of the Congress Construction Co."

HAFFENREFFER & CO., INC.

The Senate proceeded to consider the bill (H. R. 5743) for the relief of Haffenreffer & Co., Inc., which had been reported from the Committee on Claims with an amendment, on page 2, line 4, after the word "marketable", to insert an additional proviso, so as to make the bill read:

Be it enacted, etc., That the Commissioner of Internal Revenue is hereby authorized and directed to receive and consider the claim of Haffenreffer & Co., Inc., of Boston, Mass., for a refund of the fermented malt-liquor tax paid by it on certain unmarketable ale, with tax stamps purchased in April and May 1933, in accordance with the provisions of section 327 of the act of June 26, 1936 (U. S. C., 1934 ed., Supp. II, title 26, sec. 1330 (b)), but without regard to the fact that said liquor was removed from the company's bottling house and sold: *Provided, however*, That Haffenreffer & Co., Inc., shall, prior to any refund hereunder, submit satisfactory proof to the Commissioner of Internal Revenue of the condition of said liquor which rendered it unmarketable: *Provided further*, That the refund, if any, shall not exceed the sum of $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.

DRAVO CORPORATION

The Senate proceeded to consider the bill (S. 3294) for the relief of Dravo Corporation, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of", to strike out "$62,603.43" and insert "$62,446.92", 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 Dravo Corporation, of Pittsburgh, Pa., successor by operation of law to Dravo Contracting Co., the sum of $62,446.92 in full settlement of its claim against the United States for increased cost of labor and material incurred in complying with the provisions of the National Industrial Recovery Act and/or the President's Reemployment Agreement and/or the applicable approved code, in the performance of its contract with the Navy Department dated March 9, 1933, covering the construction and floating drydock for San Diego Naval Base, San Diego, Calif., and other work connected therewith: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and any amount in excess of said sum shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

DRAVO CORPORATION

The Senate proceeded to consider the bill (S. 3295) for the relief of Dravo Corporation, which had been reported from the Committee on Claims with amendments, on page 1, at the beginning of line 8, to strike out "$34,122.74" and insert "$33,341.81"; on page 2, line 4, after the words "sum of", to strike out "$59,376.16" and insert "$57,348.07"; in line 13, after the word "of" where it first occurs, strike out "$566.54" and insert "$565.47"; and in line 21, after the words "sum of", to strike out "$562.07" and insert "$560.78", 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 Dravo Corporation, of Pittsburgh, Pa., successor by operation of law to the Dravo Contracting Co., the sum of $33,341.81 in full settlement of its claim against the United States for increased cost of labor and material incurred in complying with the provisions of the National Industrial Recovery Act and/or the President's Reemployment Agreement and/or the applicable approved code, in the performance of its contract with the War Department dated August 13, 1932, for the construction of a lock and dam on the Kanawha River at Marmet, W. Va.; and the sum of $57,348.07 in full settlement of its claim against the United States for increased cost of labor and material incurred in complying with the provisions of the National Industrial Recovery Act and/or the President's Reemployment Agreement and/or the applicable approved code, in performance of its contract with the War Department, dated November 26, 1932, for the construction of a lock and dam on the Kanawha River at London, W. Va.; and the sum of $565.47 in full settlement of its claim against the United States for increased cost of labor and material incurred in complying with the provisions of the National Industrial Recovery Act and/or the President's Reemployment Agreement and/or the applicable approved code in the performance of its subcontract dated January 10, 1933, with the Vang Construction Co. for the construction of lock gates and anchorages at new lock No. 2 in the Allegheny River, Pa.; and the sum of $560.78 in full settlement of its claim against the United States for increased cost of labor and material incurred in complying with the provisions of the National Industrial Recovery Act and/or the President's Reemployment Agreement and/or the applicable approved code in the performance of its subcontract dated January 10, 1933, with the Vang Construction Co. for the construction of lock gates and anchorages at new lock No. 3 in the Allegheny River, Pa., and other work connected therewith: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and any amount in excess of said sum shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

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

MISSOULA BREWING CO.

The Senate proceeded to consider the bill (S. 529) for the relief of Missoula Brewing Co., which had been reported from the Committee on Claims with an amendment at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the Missoula Brewing Co., of Missoula, Mont., out of any money in the Treasury not otherwise appropriated, the sum of $1,250, representing the amount paid for 10 fermented malt liquor stamps of the 25-barrel denomination which were lost in the mail prior to their receipt by the said company: *Provided*, That the Missoula Brewing Co. shall first file in the Treasury Department a bond in a penal sum of double the amount paid for such stamps, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the stamps herein described: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

EDWARD M. JONES

The Senate proceeded to consider the bill (S. 3720) for the relief of Edward M. Jones, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the word "to", to strike out "Edward M. Jones, father of George Jones" and insert "the legal guardian of George P. Jones"; in line 7, after the words "sum of", to strike out "$1,000" and insert "$100"; in line 10, after the word "said", strike out "George Jones" and insert "George P. Jones"; and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of George P. Jones, a minor, of Stonington, Conn., the sum of $100. The payment of such sum shall be in full settlement of all claims against the Government of the United States for personal injuries suffered by the said George P. Jones, on January 13, 1938, as a result of his being struck by a vehicle in the service of the Works Progress Administration on the Boston Post Road in the town of Stonington, Conn.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The 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 for the relief of the legal guardian of George P. Jones, a minor."

MANUEL L. CLAY

The Senate proceeded to consider the bill (S. 3719) for the relief of Manuel L. Clay, which had been reported from the Committee on Claims with amendments, on page 1, line 7, after the words "sum of", to strike out "$10,000" and insert "$3,000"; and at the end of the bill to add a proviso; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Manuel L. Clay, father of Carlton Clay, a minor, of Stonington, Conn., the sum of $3,000. The payment of such sum shall be in full settlement of all claims against the Government of the United States for the death of the said Carlton Clay, on January 13, 1938, as a result of his being struck by a vehicle in the service of the Works Progress Administration on the Boston Post Road in the town of Stonington, Conn.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

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

AUTHORIZATION FOR PRESENTATION OF GOLD MEDALS

The bill (S. 3917) authorizing the President to present gold medals to Mrs. Robert Aldrich and posthumously to Anna Bouligny 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 be, and he is hereby, authorized to present a gold medal of appropriate design to Mrs. Robert Aldrich, nee Margaret Livingston Chanler, and posthumously to Anna Bouligny, deceased, who, during the War with Spain, voluntarily went to Puerto Rico and there rendered service of inestimable value to the Army of the United States in the establishment and operation of hospitals for the care and treatment of military patients in Puerto Rico. The posthumous presentation to Anna Bouligny, deceased, shall be made to such representative of the said Anna Bouligny, deceased, as the President may designate. There is hereby authorized to be appropriated such sum as may be necessary to carry out the provisions of this act.

INSURANCE AND COMMANDEERING OF VESSELS

The bill (S. 3276) to amend the Merchant Marine Act of 1936, and for other purposes, was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

Mr. COPELAND subsequently said: Mr. President, a moment ago I was asked for an explanation of Senate bill 3276. I ask that we return to that bill and consider it.

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

The Senate proceeded to consider the bill (S. 3276) to amend the Merchant Marine Act of 1936, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. COPELAND. Mr. President, this bill provides, first, that when any vessel built and owned by the United States is chartered, the charterer at his own expense must adequately insure it; second, that in case of war or threatened war, the ship may be commandeered by the United States.

The PRESIDING OFFICER. The amendments reported by the committee will be stated.

The amendments were, on page 1, line 7, after the word "vessels", to strike out "or aircraft"; on page 2, line 2, after the word "vessels", to strike out "or aircraft"; in line 7, after the word "vessel", to strike out "or aircraft"; in line 12, after the word "vessel", to strike out "or aircraft"; in line 14, after the words "that the", to strike out "security" and insert "interest"; in line 24, after the words "that the", to strike out "security" and insert "interest"; on page 3, line 2, after the words "United States", to strike out "and aircraft"; in line 6, after the word "vessel", to strike out "or aircraft"; in line 7, after the word "vessel's", to strike out "or aircraft's"; in line 13, after the word "vessel", to strike out "or aircraft"; in line 14, after the word "vessel", to strike out "or aircraft"; and, in line 18, after the word "vessel", to strike out "or aircraft", so as to make the bill read:

Be it enacted, etc., That section 712 of the Merchant Marine Act, 1936, approved June 29, 1936, is amended to read as follows:

"SEC. 712. Every charter shall provide—

"(a) That the charterer shall carry on the chartered vessels at his own expense, policies of insurance covering all maritime and port risks, protection and indemnity risks, and all other hazards and liabilities, in such amounts, in such form, and in such insurance companies as the Commission shall require and approve, adequate to cover all damages claimed against and losses sustained by the chartered vessels arising during the life of the charter: *Provided*, That in accordance with existing law, some or all of such insurance risks may be underwritten by the Commission itself as, in its discretion, it may determine.

"(b) That the charterer shall at its own expense keep the chartered vessel in good state of repair and in efficient operating condition and shall at its own expense make any and all repairs as may be required by the Commission.

"(c) That the Commission shall have the right to inspect the vessel at any and all times to ascertain its condition.

"(d) That whenever the President shall deem that the interest of the national defense makes it advisable, or during any national emergency declared by proclamation of the President, the Commission may terminate the charter without cost to the United States, upon such notice to the charterers as the President shall determine."

SEC. 2. That subsection (a) of section 902 of the Merchant Marine Act, 1936, approved June 29, 1936, is amended to read as follows:

"SEC. 902. (a) Whenever the President shall deem that the interest of the national defense makes it advisable, or during any national emergency declared by proclamation of the President, the Commission shall requisition such vessels documented under the laws of the United States to which the provisions of this act shall apply as the President may deem necessary for maintaining the national defense, and when so taken or used, the owner shall be paid the fair actual value of the vessel at the time of taking, or paid the just compensation for the vessel's use based upon such fair actual value (excluding any national defense features previously paid for by the United States), less a deduction from such fair actual value of any construction differential subsidy allowed under this act, and in no case shall such fair actual value be enhanced by the causes necessitating the taking. In the case of a vessel taken and used, but not purchased, the vessel shall be restored to the owner in a condition at least as good as when taken, less reasonable wear and tear, or the owner shall be paid an amount for reconditioning sufficient to place the vessel in such condition. The owner shall not be paid for any consequential damages arising from such taking or use."

The amendments were agreed to.

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

LEASE OF PORTION OF FORT NIAGARA MILITARY RESERVATION

The bill (H. R. 9123) to authorize the Secretary of War to lease to the village of Youngstown, N. Y., a portion of the Fort Niagara Military Reservation, N. Y., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, in order to provide facilities for sewerage and sewage treatment of the post of Fort Niagara, N. Y., and the village of Youngstown, N. Y., the Secretary of War be, and he is hereby, authorized to lease to the village of Youngstown, Niagara County, N. Y., a municipal corporation, for a term of 50 years, a tract of land not to exceed 4 acres adjacent to the northerly boundary of the Fort Niagara Military Reservation, N. Y., for the construction, operation, and maintenance by the village of Youngstown of an adequate sewage-treatment plant thereon, and also the use of a right-of-way for a sewer line extending from the easterly boundary of said reservation to said plant: *Provided*, That the location of said tract of land and right-of-way shall be approved by the Secretary of War, and the lease shall be subject to such provisions and conditions as he may prescribe: *Provided further*, That the consideration for said lease shall be the connection by the village of Youngstown of the present outfall sewer of the post of Fort Niagara with the proposed sewage-treatment plant, and the receipt and treatment in said plant of the sewage from said post, for which no charge shall be made by the village of Youngstown, except for chemicals used in treating said post sewage, the rate of such charge to be determined from time to time by the Secretary of War: *Provided*, That said lease shall not be granted until the Legislature of the State of New York shall have first provided by appropriate legislation that the granting of said lease shall not impair or invalidate any of the rights, title, or privileges granted to the United States pursuant to the act of the Legislature of New York passed April 21, 1840 (N. Y. Laws, 1840, ch. 155, p. 113).

TREATMENT BY OSTEOPATHIC PRACTITIONERS UNDER EMPLOYEES' COMPENSATION ACT

The Senate proceeded to consider the bill (H. R. 4650) to amend section 40 of the United States Employees' Compensation Act, as amended, which was read, as follows:

Be it enacted, etc., That the fifth paragraph of section 40 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended (U. S. C., 1934 ed., title 5, sec. 790), is further amended to read as follows:

"The term 'physician' includes surgeons and osteopathic practitioners within the scope of their practice as defined by State law.

"The term 'medical, surgical, and hospital services and supplies' includes services and supplies by osteopathic practitioners and hospitals within the scope of their practice as defined by State law."

Mr. KING. Mr. President, this bill was reported by the Senator from Nebraska [Mr. BURKE]. Since it has been on the calendar, although favoring it, I may say that I have received a number of communications from medical associations objecting to it and insisting that they have an opportunity to be heard.

Mr. BURKE. Mr. President, very complete hearings were held in the House. The representatives of the medical societies suggested an amendment which has been put into the bill as it now stands. Those representatives, presumably speaking for all the national medical societies, have withdrawn their objection completely, and say that the bill is now all right.

All the bill does is to amend the Federal Employees' Compensation Act so that if an injured employee desires treatment by an osteopathic surgeon and the Commission approves, and it is in conformity with the State law, he may have such treatment. Under the present provision of the law the Commission has ruled that an injured employee may not be allowed to have osteopathic treatment.

Mr. KING. I may say I was inclined to support the bill. I understand the only objection urged has been cured by an amendment?

Mr. BURKE. Yes; it has been cured by putting in the words "osteopathic practitioners and hospitals within the scope of their practice as defined by State law."

That was the amendment that was added, and with that provision, under which the State law governs the matter of the treatment, the physicians stated they had no further objection.

Mr. KING. I will not object, because I am favorable to the bill; but if, upon examining some of the protests, I find that there is merit in them, then I shall ask to have the vote by which the bill was passed reconsidered, in order to give the protestants a chance to be heard.

Mr. BURKE. I will have no objection to a reconsideration under those circumstances.

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

Mr. BURKE. I yield.

Mr. POPE. The amendment that was put in at the request of the medical doctors did not meet with the disapproval of those who were interested in the bill, did it?

Mr. BURKE. No; they were in entire accord with it, and as soon as it was suggested they very gladly accepted the amendment.

Mr. POPE. It seems to me it is very fair.

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.

CONSTRUCTION OF AUDITORIUM IN THE DISTRICT OF COLUMBIA

The bill (S. 3873) to authorize the construction and operation of an auditorium in the District of Columbia was announced as next in order.

Mr. GILLETTE. Let the bill go over.

Mr. TRUMAN. Mr. President, will the Senator from Iowa withhold his objection for just a moment?

Mr. GILLETTE. Certainly.

Mr. TRUMAN. A bill similar to this one was first introduced by the late Hon. Joseph T. Robinson. It was introduced immediately after the last inauguration, and was a pet measure of his. The subject matter has had serious consideration and lengthy hearings both in the House and in the Senate. It is proposed that the District of Columbia shall furnish the site, which has been agreed on after investigations in which 10 different sites were considered; and then it is proposed that after the site is furnished, the auditorium shall be built by the Federal Government.

Mr. McKELLAR. Mr. President, what was the cost of the ground on which the auditorium is to be placed—$1,700,000?

Mr. TRUMAN. One million seven hundred thousand.

Mr. McKELLAR. The city has bought the site; has it not?

Mr. TRUMAN. The city already owns it.

Mr. McKELLAR. And has paid for it?

Mr. TRUMAN. Yes; it has paid for it.

Mr. KING. Mr. President, I have been requested to object to the consideration of the bill at this time.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

BILL PASSED OVER

The bill (S. 3972) to amend the Second Liberty Bond Act, as amended, was announced as next in order.

Mr. BROWN of Michigan. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

OHIO RIVER BRIDGE, ROCKPORT, IND., AND OWENSBORO, KY.

The Senate proceeded to consider the bill (H. R. 9688) to extend the times for commencing and completing the construction of a bridge across the Ohio River between Rockport, Ind., and Owensboro, Ky.

Mr. BARKLEY. Mr. President, on page 2, line 3 of this bill, the word "appeal" ought to be "repeal." I move to amend the bill in that respect.

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

The CHIEF CLERK. In section 2, page 2, line 3, it is proposed to strike out "appeal" and insert "repeal", so as to make the section read:

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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.

MISSISSIPPI RIVER BRIDGE, DUBUQUE, IOWA, AND EAST DUBUQUE, ILL.—RECOMMITTAL

The bill (S. 3892) creating the City of Dubuque Bridge Commission and authorizing said commission and its successors to purchase and/or construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Dubuque, Iowa, and East Dubuque, Ill., was announced as next in order.

Mr. COPELAND. Mr. President, I ask the attention of the Senator from Iowa [Mr. GILLETTE]. The Commerce Committee has been requested to grant a hearing on this bill. Has the Senator any opinion to express regarding the propriety of granting the hearing?

Mr. GILLETTE. I should have no objection at all to a hearing.

Mr. COPELAND. Then I ask that the bill be recommitted to the Committee on Commerce with a view to holding a hearing; and I will say to the Senator from Iowa that if the bill goes back to the committee for the hearing prompt attention will be given to it and there will be no undue delay in connection with the matter.

Mr. GILLETTE. I appreciate that courtesy, because I am very anxious to have action on the bill.

The PRESIDING OFFICER. Without objection, the bill will be recommitted to the Committee on Commerce.

RED RIVER BRIDGE, NORTH DAKOTA AND MINNESOTA

The bill (S. 3867) authorizing the North Dakota State Highway Department and the Department of Highways of the State of Minnesota to construct, maintain, and operate a free highway bridge across the Red River was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the North Dakota State Highway Department and the Department of Highways of the State of Minnesota are authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Red River, at a point suitable to the interests of navigation, from a point in Walsh County, N. Dak., at or near the terminus of North Dakota State Highway No. 17, such point being located near the dividing line between sections 18 and 19, township 157 north, range 51 west, fourth principal meridian, to a point in Marshall County, Minn., located near the dividing line between sections 17 and 20, township 157 north, range 50 west, fourth principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There are hereby conferred upon the North Dakota State Highway Department and the Department of Highways of the State of Minnesota 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 real estate or other property is situated, 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 or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

MICHAEL WALIGA

The bill (S. 3646) to correct the military record of Michael Waliga was announced as next in order.

Mr. KING. Mr. President, I find that the Acting Secretary of War strongly recommends against the enactment of this bill.

Mr. BULKLEY. Mr. President, I am sure that when the Senator from Utah hears the circumstances he will be in sympathy with the enactment of the bill.

Mr. KING. I know nothing about the facts.

Mr. BULKLEY. This man was born within the limits of the former Austro-Hungarian Empire, but shortly after the declaration of war with Germany he declared his intention to become a United States citizen, and voluntarily enlisted in the Army. He served nearly a year, and was discharged under an order to discharge all soldiers of enemy nationality who did not want to serve in the Army; but there is not the slightest evidence that he said he did not want to serve. On the contrary, he did want to serve. He actually received an honorable discharge, and yet, under the circumstances of his discharge, it is construed as being other than honorable.

Mr. KING. I have no objection to the consideration of the bill.

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 any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Michael Waliga, who was a private in Troop C, Seventeenth 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 private of that organization on the 28th day of March 1918: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The title was amended so as to read: "A bill for the relief of Michael Waliga."

PRODUCTION OF MUNITIONS OF WAR OF SPECIAL OR TECHNICAL DESIGN

The bill (S. 3902) to provide for placing educational orders to familiarize private manufacturing establishments with the production of munitions of war of special or technical design, noncommercial in character, was announced as next in order.

Mr. McKELLAR and other Senators. Let the bill go over.

Mr. JOHNSON of Colorado. Mr. President, will the Senators withhold their objection for a moment?

Mr. SHEPPARD. Mr. President, I join in the request of the Senator from Colorado. This bill passed the Senate a few days ago in the shape of an amendment to the naval expansion bill. The conferees rejected it because they did not feel that it had a proper place on a naval bill and because they felt further that, being on the Senate Calendar with a favorable report from the Senate Military Affairs Committee, it would pass Congress.

Mr. BARKLEY. Mr. President, if the Senator will yield, the bill to which reference was made was added as an amendment to the naval bill a few days ago.

Mr. SHEPPARD. That is what I was saying.

Mr. BARKLEY. When the conferees met on the naval bill, in view of the fact that this was an Army measure, the conferees of both the House and the Senate agreed to eliminate it from the naval bill with the understanding that having passed the Senate once, the Senate would again act upon it. It seems to me the bill should be passed now.

Mr. McKELLAR. I now recall the circumstances, and I withdraw my objection.

Mr. KING. I object to the consideration of the bill.

Mr. SCHWELLENBACH. Mr. President, I ask that the bill go over. I will state to the Senator from Texas that just this morning I received from my office a rather long brief in opposition to this bill. I have not had an opportunity to read it. Probably I shall not have any objection to the bill after I have read it; but, in justice to the persons who sent me the brief, I feel that I should ask that the bill go over on this call of the calendar.

Mr. SHEPPARD. Very well. I shall be glad to confer with the Senator in regard to this measure.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

JOHN K. KENNELLY

The Senate proceeded to consider the bill (S. 3782) for the relief of John K. Kennelly, which had been reported from the Committee on Indian Affairs with amendments, on page 1, line 7, after the words "burial of", to strike out "Marcullus" and insert "Marcellus"; and in line 10, after the word "said", to strike out "Marcullus" and insert "Marcellus", 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 John K. Kennelly, of Mandan, N. Dak., the sum of $149.29 in full settlement of his claim against the United States for expenses incident to the burial of Marcellus Red Tomahawk, a Sioux Indian of the Standing Rock Reservation, N. Dak: *Provided*, That any funds accruing in the future to the estate of the said Marcellus Red Tomahawk, deceased, shall be used to reimburse the United States to the extent of expenditure herein authorized.

The amendments were agreed to.

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

FILOMENO JIMINEZ AND FELICITAS DOMINGUEZ

The bill (S. 3198) for the relief of Filomeno Jiminez and Felicitas Dominguez 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 to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to Filomeno Jiminez and the sum of $1,200 to Felicitas Dominguez in full settlement of the claim of each to land within the Nambe Indian Reservation, N. Mex.: *Provided*, That no payment shall be made until certification by the Secretary of the Interior that each claimant has entered into an agreement satisfactory to the said Secretary of the Interior to vacate the lands within the Nambe Indian Reservation now occupied by him within a period to be specified in said agreement after payment shall have been made.

BILL PASSED OVER

The bill (S. 3265) for the relief of the officers of the Russian Railway Service Corps organized by the War Department under authority of the President of the United States for service during the War with Germany was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

UNITED STATES EMPLOYMENT SERVICE

The bill (S. 3516) to alter the ratio of appropriations to be apportioned to the States for public employment offices affiliated with the United States Employment Service was announced as next in order.

Mr. McKELLAR. Let the bill go over.

Mr. WAGNER. Mr. President, this is a very simple bill.

Mr. McKELLAR. I understand that it is, but I should like to look into it.

Mr. WAGNER. Would the Senator like an explanation of the bill?

Mr. McKELLAR. Yes; I shall be glad to have it explained. I will withhold my objection until the Senator explains the bill.

Mr. WAGNER. Mr. President, in 1933 the Congress created, through legislation which it happened that I sponsored, the United States Employment Service. The bill provided for a coordinated system by which the Federal Government encouraged the States in the creation of State employment services, and matched dollar for dollar, up to $3,000,000 per year, the expense of administering the employment exchanges. We provided a rigid rule, which now controls the

Appropriations Committee, by which 25 percent was to be allocated for administrative expenses of the Federal part of the system, and the other 75 percent was to be allocated to the States.

Since that time we have enacted the social-security law, which tremendously increased the work of these particular employment exchanges throughout the States, since they are typically operated as an integral part of the State unemployment-insurance systems. That increase, of course, has necessitated an increase in the expenditures for supervision by the United States Employment Service of the State employment agencies.

All that this bill does is to leave to the discretion of the Appropriations Committees, and of Congress, the question whether more or less than 25 percent shall be allocated for administration of the Federal part of the system. The bill does not increase the authorization of appropriation. All it does is to leave open to determination each year the question whether the apportionment for Federal administrative expenses shall be limited to 25 percent of the total appropriation, or whether it shall be a larger or a smaller sum. In this case it is bound to be a larger sum. We are simply eliminating—trying to eliminate a rigid rule and substitute a flexible one, without increasing the total authorization for the Employment Service.

Mr. McKELLAR. Mr. President, we have had before the subcommittee of the Committee on Appropriations a request for an authorization for the United States Employment Service. I have not heretofore read the bill, and I should like to have an opportunity to look into it.

Mr. WAGNER. That is all right. I wish to say that the bill ought to be passed at this time. The Veterans' Administration is very much interested in it. The Department of Labor is for the legislation, and I cannot see any possible objection merely to changing the law so that Congress shall determine in each particular year what amount shall be allocated toward administration and what sums shall be left for matching. No one is opposing it.

Mr. McKELLAR. As I have told the Senator, a subcommittee of the Committee on Appropriations is now considering this very question, and I shall ask that the bill go over today. I shall be glad to take the matter up with the Senator the next time the calendar is called.

Mr. WAGNER. The only reason I am asking that the bill be passed at this time is that it can in no way affect what the Committee on Appropriations is doing.

Mr. McKELLAR. It may not affect it, but it will affect the National Government to the extent of $4,000,000.

Mr. WAGNER. It merely puts it within the discretion of Congress to determine what the allocation shall be, instead of having a rigid rule. Surely no committee can object to leaving the discretion as to the allocation with Congress itself. I hope the Senator will withdraw his objection so that we may hurry the bill on.

Mr. McKELLAR. Let it go over.

Mr. WAGNER. The Senator insists upon his objection?

Mr. McKELLAR. Yes.

Mr. WAGNER. Very well.

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

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

The Senate proceeded to consider the bill (S. 3561) for the relief of certain individuals in connection with the construction, operation, and maintenance of the Fort Hall Indian irrigation project, Idaho, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment was, on page 2, line 11, to strike out "Abraham C. Anderson and Peter Anderson, $25,000; George Strong, $4,000; George Tolmie, $3,500; Isabelle Tolmie, $19,200, and Fred Larsen, $4,700"; and on line 14, after the word "exceed", to strike out "$89,457" and to insert "$33,057", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury, upon receipt of advice from the Secretary of the Interior to the effect that appropriate and properly executed easements have been obtained, be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the following individuals or their heirs, an amount not exceeding the amounts herein specified: Arthur C. Swanson, $5,750; Thomas W. Cully, $3,743; Walter H. Lewis, $2,500; Dora Winschell, $3,040; Leona Gordon, $358; Calvin W. Billingsley, $800; Richard Torgensen, $120; John O. Wallace, $80; Charles Lau, $85; Joseph E. Lau, $133; Celia E. Bump, $99; Jesse H. Dredge, $1,450; C. E. and Leonard R. Stedman, $47; Roy J. Dygert, $132; Cora M. Lewis, $650; Fred Smola, $1,829; J. S. Bowker and J. L. Wilson, $45; L. E. Winschell, $20; James R. Moore, $473; W. James Chester, $100; Leonard Gerking, $1,503; F. N. Merrill, $200; Walter J. Hogan, $100; Fern J. Condie, $500; Wright Brothers, $5,000; W. R. Larkin, $1,300; F. C. Christensen, $3,000; in all not to exceed $33,057.

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

Mr. BORAH. Mr. President, this bill covers damage claims arising out of a right-of-way action in connection with the Government building a reservoir and a canal. The matter is rather old. It has been thoroughly examined by the Department of the Interior on two or three different occasions.

Mr. McKELLAR. Does the Department recommend it?

Mr. BORAH. Yes; with the amendments which the Department proposes, and which are not objected to at this time.

Mr. POPE. Mr. President, on two former occasions a bill covering this subject matter was introduced, and last year a similar bill was passed in the Senate, but did not pass the House. In connection with the two former bills, the Department thoroughly examined the claims which were involved. The claims are just and ought to be paid. I have been urging their payment for several years, and am strongly in favor of this bill. These claims ought to have been paid long ago.

I desire to ask my colleague a question with reference to those whose names are proposed to be stricken out by the amendment just stated. As I understand, all except the last, Fred Larsen, have already been paid.

Mr. BORAH. That is my understanding.

Mr. POPE. Has the Senator examined the claim of Fred Larsen sufficiently to be satisfied with the Department report as to Mr. Larsen?

Mr. BORAH. I have examined it, and I have also talked with the Department about it, and they are opposed to that claim.

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

The amendment was agreed to.

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

The next amendment was, on page 3, line 1, after the word "project", to insert a semicolon and "and the acceptance of said sums by the individuals and their heirs shall act as a quittance of any and all rights or claims that may previously have existed against the United States by reason of such construction and operation of the said project", so as to read:

Provided, That the foregoing amounts shall be in full settlement for any and all past and present damages to the lands or personal property of the above-named individuals in connection with the construction, operation, and maintenance of the Blackfoot Reservoir, Grays Lake, and the conveyance channel from Grays Lake to the Blackfoot Reservoir of the Fort Hall Indian irrigation project, Idaho, and in full payment for easements obtained from said individuals covering the right to flood, impound, withdraw at will, water on, over, and from all lands owned, claimed, or possessed by said individuals in connection with the future operation of said project; and the acceptance of said sums by the individuals and their heirs shall act as a quittance of any and all rights or claims that may previously have existed against the United States by reason of such construction and operation of the said project: *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 a 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.

WITHDRAWALS OF PUBLIC DOMAIN IN ALASKA

The bill (H. R. 9358) to authorize the withdrawal and reservation of small tracts of the public domain in Alaska for schools, hospitals, and other purposes, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to withdraw and permanently reserve small tracts of not to exceed 640 acres each of the public domain in Alaska for schools, hospitals, and such other purposes as may be necessary in administering the affairs of the Indians, Eskimos, and Aleuts of Alaska: *Provided*, That such withdrawals shall be subject to any valid existing rights.

BILLS AND RESOLUTION PASSED OVER

The bill (H. R. 7515) to authorize the sale of certain lands of the Eastern Band of Cherokee Indians, North Carolina, was announced as next in order.

Mr. FRAZIER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1668) to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U. S. C., title 49, sec. 4), was announced as next in order.

Mr. WHEELER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 149) authorizing an investigation and study of the broadcasting industry, of broadcasting in the United States, and of interstate and foreign communication by radio was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

INVESTIGATION OF PROFIT-SHARING SYSTEMS

The Senate proceeded to consider the resolution (S. Res. 215) providing for an investigation of existing profit-sharing systems between employers and employees in the United States, which had been reported from the Committee on Finance with amendments, on page 1, line 3, after the word "report", to insert the words "to the Senate," and to strike out "$50,000" and insert "$30,000", so as to make the resolution read:

Resolved, That the Senate Finance Committee, or any subcommittee thereof, is authorized and directed to make a complete study of and report to the Senate upon all existing profit-sharing systems, between employers and employees, now operative in the United States with a special view (a) to the preparation of an authentic record of experience which may be consulted by employers who are interested in voluntarily establishing profit-sharing plans; (b) to the consideration of what advisable contribution, if any, may be made to the encouragement of profit sharing by the Federal Government, including the grant of compensatory tax exemptions and tax rewards when profit sharing is voluntarily established: (c) to the consideration of any other recommendations which may prove desirable in pursuit of these objectives; and be it further

Resolved, That for the purpose of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings; to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate during the Seventy-fifth and succeeding Congresses; to employ such experts and clerical, stenographic, and other assistants; to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths; and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per 100 words. The expense of the committee, or any duly authorized subcommittee, which shall not exceed $30,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, or any duly authorized subcommittee thereof.

Mr. KING. Mr. President, let us have an explanation of the resolution.

Mr. VANDENBERG. Mr. President, the Committee on Finance unanimously approved the purpose to study and correlate American experience with profit-sharing systems. There is a great deal of interest of a voluntary nature in American business in respect to extending voluntarily systems of profit-sharing. Certainly, if they can be extended, it will be a tremendous contribution to industrial welfare and industrial peace. The sole purpose of the investigation is to inquire into some 200 different systems which have been operating in this country at one time or another, some with great success, some with no success, to achieve a record which will point the way to an effective use of this system in industrial relations. I can think of no possible objection.

Mr. KING. This does not call for the creation of a new commission?

Mr. VANDENBERG. No.

Mr. KING. The investigation is to be made by the Finance Committee?

Mr. VANDENBERG. Yes.

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

The amendments were agreed to.

The resolution, as amended, was agreed to.

The preamble was rejected.

RESOLUTIONS PASSED OVER

The resolution (S. Res. 237) providing for an investigation of costs, prices, and profits of the principal commodities of commerce of the United States was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 240) to investigate the question of the creation of the Petrified National Park was announced as next in order.

Mr. KING. Let us have an explanation.

Mr. McKELLAR. In the absence of an explanation, let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

UTILIZATION OF WATER RESOURCES OF ARID AND IRRIGABLE STATES

The resolution (S. Res. 241) extending the time for an investigation relative to utilization of water resources of arid and irrigable States was announced as next in order.

Mr. KING. Mr. President, my understanding is that the Secretary of the Interior appointed recently three distinguished persons familiar with reclamation projects to make a thorough examination of them and their success, and to study generally the question of arid lands and their utilization. I was wondering whether this resolution would be in conflict with the activities of that committee appointed by the Secretary of the Interior under authorization.

Mr. BORAH. Mr. President, as it relates to arid States, I was going to ask the Senator who submitted the resolution what its purpose is.

Mr. KING. Let it go over.

The PRESIDING OFFICER. Objection being heard, the resolution will be passed over.

GRAND TETON NATIONAL PARK, WYO.

The Senate proceeded to consider the resolution (S. Res. 250) to investigate the questions of the feasibility of enlarging Grand Teton National Park in Wyoming, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 3, before the word "be", to insert the words "together with both Senators from Wyoming", so as to make the resolution read:

Resolved, That the Committee on Public Lands and Surveys or any duly authorized subcommittee thereof, together with both Senators from Wyoming, be, and it is hereby, authorized and directed to institute and conduct a thorough investigation of all questions relating to the suitability and feasibility of extending the boundaries of the Grand Teton National Park in Wyoming, including the attitude of the citizens of Teton County, Wyo., toward such extension; and be it further

Resolved, That for the purposes of this resolution the said committee, or any subcommittee thereof, is authorized to hold hearings; to sit and act at such times and places during the sessions and recesses of the Congress until the final report is submitted; to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths; to take such testimony; and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents

per hundred words. The expenses of the committee, which shall not exceed $5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

The amendment was agreed to.

The resolution, as amended, was agreed to.

INVESTIGATION OF VIOLATIONS OF CIVIL LIBERTIES

The Senate proceeded to consider the resolution (S. Res. 266) increasing the limit of expenditures for the investigation of violations of the right of free speech and assembly and interference with the right of labor to organize and bargain collectively, which was read, as follows:

Resolved, That the limit of expenditures under S. Res. 266, Seventy-fourth Congress, second session, agreed to June 6, 1936, and under S. Res. 70, Seventy-fifth Congress, first session, agreed to February 19, 1937, and under S. Res. 154, Seventy-fifth Congress, first session, agreed to August 12, 1937, to investigate violations of the right of free speech and assembly and interference with the right of labor to organize and bargain collectively is hereby increased by $60,000.

Mr. KING. Let the resolution go over.

Mr. LA FOLLETTE. Mr. President, I hope the Senator will not insist upon his objection. Will he withhold the objection for a moment?

Mr. KING. I withhold the objection.

Mr. LA FOLLETTE. The Senator is probably familiar with the fact that a subcommittee of the Senate Committee on Education and Labor has been conducting an investigation for some time into violations of civil liberties and undue interference with the right of labor to organize and to bargain collectively.

Mr. McKELLAR. Mr. President, I have no objection, but I was just wondering whether the Senator thinks that with the additional amount provided by the resolution he will be able to complete the investigation.

Mr. LA FOLLETTE. We are satisfied that the amount will be sufficient, and I assure the Senator that the committee will make its final report and legislative recommendations on or before the 15th day of January 1939.

Mr. BARKLEY. Mr. President, I hope the Senator from Utah will not insist upon his objection to this resolution, because the additional amount has been recommended and it is necessary in order to complete this work. The amount involved I think is sufficient, but not too much for the purpose. If the resolution cannot be adopted on the call of the calendar, it will be necessary to take it up and consider it at some other time. I think it is a resolution which should be agreed to, and I hope the Senator from Utah will not object.

Mr. KING. Mr. President, I desire to ask the Senator whether the committee, in view of the rather large appropriations which have heretofore been made, will require $60,000 additional.

Mr. LA FOLLETTE. I assure the Senator that this amount is, to the best of our judgment, a conservative estimate of what will be required to finish our work.

Mr. KING. How much has the committee had up to date?

Mr. LA FOLLETTE. The committee has had up to date $95,000.

Mr. KING. What assistance in the way of personnel has it received from the departments of the Government?

Mr. LA FOLLETTE. Under the specific authorization contained in the original resolution, the committee has had the assistance of numerous departments and agencies of the Government in connection with the various phases of its work.

Mr. KING. If the committee had been compelled to pay for that help——

Mr. LA FOLLETTE. It would have been necessary for us to have a very much larger appropriation. In fact, we were encouraged by the Committee to Audit and Control the Contingent Expenses of the Senate to limit the expenditures of our own money to the greatest possible extent by obtaining the services of various agencies and departments.

Mr. KING. I have no objection.

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

The resolution was agreed to.

EXEMPTION OF ELEEMOSYNARY INSTITUTIONS FROM THE ROBINSON-PATMAN ACT

The bill (H. R. 8148) to amend Public Law No. 692 (74th Cong., 2d sess) was considered, ordered to a third reading, read the third time, and passed.

REGISTRATION OF TRADE-MARKS

The Senate proceeded to consider the bill (H. R. 9996) to authorize the registration of certain collective trade-marks, which had been reported from the Committee on Patents with an amendment to strike out all after the enacting clause and to insert:

That section 1 of the Trade-Mark Act of February 20, 1905, as amended, is amended by adding at the end thereof the following new paragraph:

"By similar procedure, any natural or juristic person, including nations, States, municipalities, and the like, which exercises legitimate control over the use of a collective mark, may apply for and obtain registration of such mark, even if it does not possess an industrial or commercial establishment."

SEC. 2. Section 1 (b) of the Trade-Mark Act of March 19, 1920, as amended, is amended to read as follows:

"(b) All other marks not registrable under the act of February 20, 1905, as amended, except those specified in paragraphs (a) and (b) of section 5 of that act, including collective marks of natural or juristic persons, and nations, States, municipalities, and the like, exercising legitimate control over the use of the trade-mark sought to be registered, even though not possessing an industrial or commercial establishment, which have been in bona fide use for not less than 1 year in interstate or foreign commerce, or commerce with the Indian tribes by the proprietor thereof, upon or in connection with any goods of such proprietor upon which a fee of $15 has been paid to the Commissioner of Patents and such formalities as required by the said Commissioner have been complied with: *Provided*, That trade-marks which are identical with a known trade-mark owned and used in interstate and foreign commerce, or commerce with the Indian tribes, by another and appropriated to merchandise of the same descriptive properties or which so nearly resemble a known trade-mark owned and used in interstate and foreign commerce, or commerce with the Indian tribes, by another and appropriated to merchandise of the same descriptive properties as to be likely to cause confusion or mistake in the mind of the public or to deceive purchasers, shall not be placed on this register."

SEC. 3. Section 4 of the Trade-Mark Act of February 20, 1905, as amended, is further amended by deleting therefrom the following: "*Provided further*, That subject to the provisions of section 5 of said Trade-Mark Act (U. S. C., title 15, sec. 85) registration of a collective mark may be issued to an association to which it belongs, which association is located in any such foreign country and whose existence is not contrary to the law of such country, even if it does not possess an industrial or commercial establishment:".

SEC. 4. Registrations heretofore granted under that portion of section 4 of the Trade-Mark Act of February 20, 1905, as amended, repealed by section 3 of this act, shall hereafter have the same force and effect as if granted under section 1 of this act, and applications pending under such portion of such section 4 shall be considered in accordance with the provisions of section 1 of this act.

SEC. 5. Section 29 of the Trade-Mark Act of February 20, 1905, is amended to read as follows:

"SEC. 29. In construing this act the following rules must be observed, except where the contrary intent is plainly apparent from the context thereof: The United States includes and embraces all territory which is under the jurisdiction and control of the United States. The word 'States' includes and embraces the District of Columbia, the Territories of the United States, and such other territory as shall be under the jurisdiction and control of the United States. The terms 'person' and 'owner', and any other word or term used to designate the applicant or other entitled to a benefit or privilege or rendered liable under the provisions of this act, include a firm, corporation, or association as well as a natural person. The term 'juristic person' includes a firm, corporation, association, or similar organization capable of suing and being sued in a court of law. The terms 'applicant' and 'registrant' embrace the successors and assigns of such applicant or registrant. The term 'trade-mark' includes any mark which is entitled to registration under the terms of this act, and whether registered or not, and a trade-mark shall be deemed to be 'affixed' to an article when it is placed in any manner in or upon either the article itself or the receptacle or package or upon the envelope or other thing in, by, or with which the goods are packed or enclosed or otherwise prepared for sale or distribution."

The amendment was agreed to.

Mr. KING. Mr. President, I should like to ask the Senator who introduced the bill to make a brief explanation. I make this request in view of the fact that several years ago there was considerable controversy over a measure which I understand was somewhat similar to the one now before the Senate. It was contended that it was an effort to perpetuate for an indefinite period the licensing of copyrights and various registrations which had been made.

Mr. McADOO. Mr. President, in order to make clear the purpose of the measure I shall read from the report, which will make the explanation brief and compact:

The purpose of this measure is to correct an injustice to domestic persons, natural and juristic, which has arisen by reason of the fact that under existing laws, and in keeping with international conventions, foreign trade-marks of a collective character enjoy a protection in the United States not now afforded to domestic users of collective trade-marks.

That is all there is to the measure. Its purpose is to permit our own citizens to enjoy the same privileges which foreigners now enjoy in our territory with respect to collective trade-marks. It is a measure which I think everyone who has looked into it will agree should be passed. I shall be glad to read more extensively from the report if desired.

Mr. KING. No, Mr. President; I have no objection.

Mr. WHEELER. I ask that the bill be passed over until I have a chance to look at it.

Mr. McADOO. I ask my friend, the Senator from Montana, if he will allow me to make further explanation of the bill if there is any question about it in his mind.

Mr. WHEELER. There is a serious question about it in my mind, and I do not want to have it taken up at the present time.

The PRESIDING OFFICER. The bill will be passed over.

PURCHASE OF LAND IN THE SHOSHONE (WIND RIVER) INDIAN RESERVATION

The bill (S. 3415) to purchase certain private lands within the Shoshone (Wind River) Indian Reservation was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted, etc., That upon conveyance to the United States of America in trust for the Indians of the Shoshone (Wind River) Reservation, Wyo., of title, satisfactory to the Secretary of the Interior, to the lands described below, the Secretary of the Treasury is hereby authorized and directed to pay to A. L. Simpson, out of any money in the Treasury not otherwise appropriated, the sum of $2,700: The northeast quarter northwest quarter section 26, southeast quarter southwest quarter section 23, and a tract beginning at the southwest corner of the southeast quarter northwest quarter section 23; thence north 1,042 feet; thence south 46°51′ east approximately 907.3 feet to the east line of the west half southeast quarter northwest quarter section 23; thence south to the southeast corner of the southwest quarter southeast quarter northwest quarter section 23; thence west to the point of beginning, all being in township 1 south, range 3 east, Wind River meridian, Wyoming, containing approximately 91.107 acres.

COLUMBIA RIVER BRIDGE, ASTORIA, OREG.

The bill (S. 3854) to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg., was announced as next in order.

Mr. McNARY. Mr. President, an identical House bill has been passed. I ask that the House bill be substituted for the Senate bill, and be considered at this time, and that the Senate bill be then postponed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

There being no objection, the bill (H. R. 10351) to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg., was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3854 will be indefinitely postponed.

PAYMENT TO CERTAIN INDIANS OF KLAMATH INDIAN RESERVATION

The bill (H. R. 5974) to authorize payments in lieu of allotments to certain Indians of the Klamath Indian Reservation in the State of Oregon, and to regulate inheritance of restricted property within the Klamath Reservation, was considered, ordered to a third reading, read the third time, and passed.

RESTRICTIONS ON OSAGE PROPERTY

The Senate proceeded to consider the bill (S. 3980) relating to restrictions of Osage property acquired by descent or devise, which had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 5, after the word "Indian", to insert "of the Osage Tribe shall, upon the death of any Osage Indian", so as to make the bill read:

Be it enacted, etc., That the restrictions now existing or hereafter imposed by law against the lands, funds, or other restricted property belonging to any Indian of the Osage Tribe shall, upon the death of any Osage Indian, continue to apply to such lands, funds, or other restricted property inherited or received by bequest or devise by any Indian of any other tribe, except when such Indian heir or devisee has received a patent in fee or a certificate of competency or is less than one-half Indian blood.

The amendment was agreed to.

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

BILL PASSED OVER

The bill (S. 2495) authorizing the District Court of the United States for the Eastern District of Oklahoma to hear and determine certain claims of the Seminole Nation or Tribe of Indians was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

CHIPPEWA INDIANS OF MINNESOTA

The Senate proceeded to consider the bill (S. 3849) authorizing the Secretary of the Treasury to transfer on the books of the Treasury Department to the credit of the Chippewa Indians of Minnesota the proceeds of a certain judgment erroneously deposited in the Treasury of the United States as public money, which had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 16, after the name "Minnesota", to insert "under contracts approved pursuant to section 2103 of the Revised Statutes of the United States", 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 credit as of July 12, 1902, the permanent fund of the Chippewa Indians of Minnesota arising under the act of January 14, 1889 (25 Stat. L. 642), and the agreements made thereunder, with the sum of $59,401.04, being the value of the timber at the time of conversion as awarded in that certain judgment entered in the Circuit Court of the United States for the District of Minnesota pursuant to the mandate of the Supreme Court of the United States in the case entitled "Pine River Logging and Improvement Co. and others against United States" (186 U. S. 279), and which judgment was erroneously deposited July 12, 1902, in the Treasury of the United States as public money and to credit the interest fund of said Indians with interest thereon from July 12, 1902, at the rate provided in said act of January 14, 1889, and agreements made thereunder, to the date said credit is given, together with the sum of $39,284.76, being the amount of interest collected by the United States in said action.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to determine just and proper compensation to the respective attorneys representing the Chippewa Indians of Minnesota, under contracts approved pursuant to section 2103 of the Revised Statutes of the United States, in the prosecution of their claims against the United States for services rendered in the prosecution of said claim, said compensation to be based upon the nature, extent, character, and value of the services rendered and moneys expended, and to pay such amounts, if any, not exceeding 10 percent of the amount recovered, as he may find said attorneys to be entitled to receive, out of the trust funds standing to the credit of the Chippewa Indians of Minnesota.

The amendment was agreed to.

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

BUILDINGS FOR DIPLOMATIC AND CONSULAR ESTABLISHMENTS

The bill (H. R. 5633) to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for the purpose of further carrying into effect the provisions of the Foreign Service Buildings Act, 1926, as amended, there is authorized to be appropriated, in addition to the amount authorized by such act, an amount not to exceed $5,000,000, of which not more than $1,000,000 shall be appropriated for any one year. Sums appropriated pursuant to this act shall be available for the purposes and be subject to the conditions and limitations of such act, as amended: *Provided*, That in the expenditure of appropriations for the construction of diplomatic and consular establishments, the Secretary of State shall, unless in his discretion the interests of the Government will not permit, purchase or contract for only articles of manufacture of the United States, notwithstanding that such articles, when delivered abroad, may cost more if such excess of cost be not unreasonable.

NATIONAL ADVISORY HEALTH COUNCIL

The bill (S. 3956) to adjust the compensation of the members of the National Advisory Health Council not in the regular employment of the Government was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That hereafter the members of the National Advisory Health Council not in the regular employment of the Government, appointed in accordance with section 5 of the act approved July 1, 1902 (32 Stat. 713), and section 13 of the act approved April 9, 1930 (46 Stat. 152; U. S. C., title 42, sec. 21), shall, while serving in conference, each receive compensation at a rate to be fixed by the Secretary of the Treasury but not to exceed $25 per diem. The Surgeon General of the Public Health Service is hereby authorized to utilize the services of any such member or members, in connection with conference matters, for such periods in addition to the conference period as he may determine; and any such member or members shall receive for each day of such service compensation at a rate to be fixed by the Secretary of the Treasury but not to exceed $25 per diem, together with allowances for actual and necessary traveling expenses and hotel expenses while so employed. Nothing contained in this act shall be construed as affecting the allowances for travel and other expenses to which members of the National Advisory Health Council may be entitled by law.

SMITH POINT BRIDGE, NEW YORK

The bill (S. 3769) granting the consent of Congress to construct, maintain, and operate a toll bridge, known as the Smith Point Bridge, across navigable waters at or near Mastic, southerly to Fire Island, Suffolk County, N. Y., was announced as next in order.

The PRESIDING OFFICER. There is on the calendar an identical House bill, being House bill 10117. Without objection, the House bill will be substituted for the Senate bill and will be now considered. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 10117) granting the consent of Congress to construct, maintain, and operate a toll bridge, known as the Smith Point Bridge, across navigable waters at or near Mastic, southerly to Fire Island, Suffolk County, N. Y., which was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3769 will be indefinitely postponed.

LONG ISLAND LOOP BRIDGES, NEW YORK

The bill (S. 3770) granting the consent of Congress to construct, maintain, and operate toll bridges, known as the Long Island loop bridges, across navigable waters at or near East Marion to Shelter Island, and Shelter Island to North Haven, Suffolk County, N. Y., was announced as next in order.

The PRESIDING OFFICER. House bill 10118, an identical bill, is on the calendar. Without objection, the House bill will be substituted for the Senate bill. Is there objection to the present consideration of the House bill?

There being no objection, the bill (H. R. 10118) granting the consent of Congress to construct, maintain, and operate toll bridges, known as the Long Island loop bridges, across navigable waters at or near East Marion to Shelter Island, and Shelter Island to North Haven, Suffolk County, N. Y., was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3770 will be indefinitely postponed.

DISSEMINATION OF PROPAGANDA IN THE UNITED STATES

The Senate proceeded to consider the bill (H. R. 1591) to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes, which had been reported from the Committee on Foreign Relations with amendments.

Mr. WHEELER. I should like to have an explanation of the bill. It we cannot have an explanation, I shall ask that the bill be passed over.

Mr. BORAH. Mr. President, the bill provides for the registration of persons who are employed by agencies carrying on propaganda in the United States under the direction of foreign powers.

Mr. WHEELER. I have no objection.

The PRESIDING OFFICER. The first committee amendment will be stated.

The first amendment was, in section 1, subsection (c), page 2, line 3, after the word "person", to strike out "not a resident of the United States, or any foreign business or political organization" and to insert "domiciled abroad, or any foreign business, partnership, association, corporation, or political organization", so as to read:

Be it enacted, etc., That as used in this act—

(a) The term "person" means an individual, partnership, association, or corporation;

(b) The term "United States" includes the United States and any place subject to the jurisdiction thereof;

(c) The term "foreign principal" means the government of a foreign country, a political party of a foreign country, a person domiciled abroad, or any foreign business, partnership, association, corporation, or political organization;

(d) The term "agent of a foreign principal" means any person who acts or engages or agrees to act as a public-relations counsel, publicity agent, or as agent, servant, representative, or attorney for a foreign principal or for any domestic organization subsidized directly or indirectly in whole or in part by a foreign principal. Such term shall not include a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State of the United States, nor a person, other than a public-relations counsel, or publicity agent, performing only private, nonpolitical, financial, mercantile, or other activities in furtherance of the bona fide trade or commerce of such foreign principal.

(e) The term "Secretary" means the Secretary of State of the United States.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to add a new section 6, as follows:

SEC. 6. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $75,000 to carry out the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 5, line 7, after "Sec.", to strike out "6" and insert "7", and in line 10, after "Sec.", to strike out "7" and insert "8."

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, as follows:

Be it enacted, etc., That as used in this act—

(a) The term "person" means an individual, partnership, association, or corporation;

(b) The term "United States" includes the United States and any place subject to the jurisdiction thereof;

(c) The term "foreign principal" means the government of a foreign country, a political party of a foreign country, a person domiciled abroad, or any foreign business, partnership, association, corporation, or political organization;

(d) The term "agent of a foreign principal" means any person who acts or engages or agrees to act as a public-relations counsel, publicity agent, or as agent, servant, representative, or attorney for a foreign principal or for any domestic organization subsidized directly or indirectly in whole or in part by a foreign principal. Such term shall not include a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State of the United States, nor a person, other than a public-relations counsel, or publicity agent, performing only private, nonpolitical, financial, mercantile, or other activities in furtherance of the bona fide trade or commerce of such foreign principal.

(e) The term "Secretary" means the Secretary of State of the United States.

SEC. 2. Every person who is now an agent of a foreign principal shall, within 30 days after this act takes effect, and every person who shall hereafter become an agent of a foreign principal shall forthwith file with the Secretary a registration statement, under oath, on a form prescribed by the Secretary which shall set forth—

(a) The name, business address, and residence address of the registrant;

(b) The name of the foreign principal or other person or organization for which such person is acting as agent;

(c) A copy of all contracts of employment under which such person acts or agrees to act as such agent, if written, or a full statement of the terms and conditions thereof, if oral;

(d) The date when each such contract was made, the date of commencement of activity thereunder, and the period during which such contract is to be in effect;

(e) The compensation to be paid, if any, and the form and time of payment, under such contract;

(f) The name of every foreign principal, or other person or organization which has contributed or which has promised to contribute to the compensation provided in such contract; and

(g) If the registrant be a partnership, association, or corporation, a true and complete copy of its charter, articles of incorporation, copartnership, association, constitution, and bylaws, and any other instrument or instruments relating to its organization, powers, and purposes.

SEC. 3. Every person who has filed a registration statement required by section 2 shall, within 30 days after the expiration of such period of 6 months succeeding the first filing, file with the Secretary a statement, under oath, on a form prescribed by the Secretary, which shall set forth with respect to such preceding 6 months' period—

(a) Such facts as may be necessary to make the information required under section 2 hereof accurate and current with respect to such period;

(b) The amount and form of compensation received by such person for acting as agent for a foreign principal which has been received during such 6 months' period either directly or indirectly from any foreign principal; and

(c) A statement containing such details required under this act as the Secretary shall fix, of the activities of such persons as agent of a foreign principal during such 6 months' period.

SEC. 4. The Secretary shall retain in permanent form all statements filed under this act, and such statements shall be public records and open to public examination and inspection at all reasonable hours, under such rules and regulations as the Secretary may prescribe.

SEC. 5. Any person who willfully fails to file any statement required to be filed under this act, or in complying with the provisions of this act, makes a false statement of the material fact, or willfully omits to state any material fact required to be stated therein shall, on conviction thereof, be punished by a fine of not more than $1,000 or imprisonment for not more than 2 years, or both.

SEC. 6. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $75,000 to carry out the provisions of this act.

SEC. 7. The Secretary is authorized and directed to prescribe such rules, regulations, and forms as may be necessary to carry out this act.

SEC. 8. This act shall take effect on the ninetieth day after the date of its enactment.

BILLS PASSED OVER

The bill (S. 3346) authorizing the Secretary of the Interior to pay salaries and expenses of the chairman, secretary, and interpreter of the Klamath General Council, members of the Klamath business committee and other committees appointed by said Klamath General Council, and official delegates of the Klamath Tribe was announced as next in order.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3162) conferring jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render judgment on any and all claims which the Uncompahgre (Tabegauche), Uintah (Uinta), and White River (Yampa and Grand River) Bands of the Ute Indians may have against the United States, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7508) to amend the Liquor Enforcement Act of 1936 was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

PACIFIC MERCADO INTERNATIONAL EXPOSITION, LOS ANGELES, CALIF.

The joint resolution (H. J. Res. 447) to protect the copyrights and patents of foreign exhibitors at the Pacific Mercado International Exposition, to be held at Los Angeles, Calif., in 1940, was considered, ordered to a third reading, read the third time, and passed.

DISBURSEMENT OF FUNDS HELD BY NATIONAL GUARD

The Senate proceeded to consider the bill (H. R. 9721) authorizing the disbursement of funds appropriated for compensation of help for care of material, animals, armament, and equipment in the hands of the National Guard of the several States, Territories, and the District of Columbia, and for other purposes, which had been reported from the Committee on Military Affairs with an amendment, on page 2, line 8, after the word "act", to strike out "*Provided further*, That not more than 10 percent of all moneys so appropriated by Congress may be allotted by the Secretary of War under such regulations as he may prescribe for the employment exclusively of clerks to assist the United States property and disbursing officer in the performance of their official duties", so as to make the bill read:

Be it enacted, etc., That moneys hereafter appropriated under the provisions of the National Defense Act, as amended, for compensation of help for care of material, animals, armament, and equipment in the hands of the National Guard of the several States, Territories, and the District of Columbia shall be available for the hire of caretakers who may also perform clerical duties incidental to their employment, and such moneys may be used as supplemental to money appropriated by the several States, Territories, and the District of Columbia for the support of the National Guard: *Provided*, That nothing herein contained shall be construed to prevent the utilization of the services of such caretakers on duties other than those indicated above, if such additional services do not interfere with the complete performance of the duties for which they are employed under the provisions of this act: *Provided further*, That payments heretofore made for said help which now stand disallowed or would hereafter be disallowed but for this act are hereby ratified and validated as to the disbursing officers making the same in such amounts only as are approved by the Secretary of War, whose determination shall be final and conclusive, and the Comptroller General of the United States is hereby directed to allow credit in the accounts of said disbursing officers for and on account of such payments in said amounts: *And provided further*, That nothing herein shall be construed to prevent the collection from the personnel concerned of any amounts determined by the Secretary of War to be due the United States.

The amendment was agreed to.

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

The bill was read the third time and passed.

CONSTRUCTION AT MILITARY POSTS

The bill (S. 4000) to authorize appropriations for construction and rehabilitation at military posts, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, Senators will recall that each year for a number of years there have been rather large appropriations for the rehabilitation of posts and the construction of new military posts. As a matter of fact we have entirely too many military posts in the United States. It would be better if we should have a little concentration. Large sums have been taken from the relief funds which have been allocated by those in authority for work upon military reservations and construction of new posts and buildings and so on. We are now, by this bill, asked to make an appropriation of more than $10,000,000, and recently in the Army bill a very large sum was carried for the same purposes as indicated in the bill before us. It seems to me we are going mad in appropriating for the Army and for the Navy. Before we adjourn, the amount appropriated for the Army and the Navy will be $2,000,000,000 this year.

I wish to object to consideration of the bill at this time.

Mr. SHEPPARD. Mr. President, the bills referred to by the Senator have been authorization bills, and actual appropriations for construction have been about $8,000,000 a year for several years.

The bill under consideration merely authorizes the construction of the remainder of the approved Army building program in order that we may have authority to ask for as much as may be reasonable under the new relief bill. It will make these projects eligible to be considered for allocations under the proposed public-works program.

At a time when it is contemplated that large sums will be spent for work relief, the Senate Military Affairs Committee feels that a thorough study and consideration in the allocation of this money should be given to the outstanding and urgent need for construction and rehabilitation work in connection with the Army. Through this kind of an expenditure we not only relieve individuals but we get something permanent and substantial for the money—permanent structures that will have to be constructed in any event in the future and will require appropriations from the Treasury for years to come, if not included in the pending public-works program.

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

The PRESIDING OFFICER. The bill will be passed over.

PROHIBITION OF USE OF COMMUNICATION FACILITIES FOR CRIMINAL PURPOSES

The Senate proceeded to consider the bill (S. 3756) to prohibit the use of communication facilities for criminal purposes, which had been reported from the Committee on

Interstate Commerce with an amendment, on page 1, line 8, after the words "act in", to strike out "violating, or in attempting to violate, any criminal law of the United States" and to insert "committing, or in attempting to commit, a felony as defined by section 335 of the Criminal Code of the United States, as amended (U. S. C., title 18, sec. 541)", so as to make the bill read:

Be it enacted, etc., That the Communications Act of 1934, approved June 19, 1934 (48 Stat. 1064; U. S. C., 1934 ed., title 47, secs. 151 and the following), as amended, is hereby further amended by adding at the end thereof the following section:

"SEC. 610. Any person who uses any of the communication facilities enumerated in this act in committing, or in attempting to commit, a felony as defined by section 335 of the Criminal Code of the United States, as amended (U. S. C., title 18, sec. 541), shall, upon conviction thereof, be punished for such use by a fine of not more than $10,000 or by imprisonment of not more than 2 years, or both."

SEC. 2. Section 605 of the Communications Act of 1934 is hereby amended by changing the period at the end thereof to a colon and adding thereafter the following: "*Provided further*, That if the head of any executive department or independent establishment of the United States reasonably believes that a violation of any criminal law of the United States, the enforcement of which is under his supervision, may have occurred, may be occurring, or may be about to occur, through a gang, confederacy, or group of two or more persons, and he makes certification accordingly, the provisions of this section shall not apply to the investigation, detection, or prevention of such violation, or of any violation of any criminal law of the United States discovered in the course of such investigation, detection, or prevention; a copy of such certificate, under the seal of the department or establishment concerned, shall be prima facie evidence of the existence of the conditions making this section inapplicable; and any evidence of a violation of any criminal law of the United States obtained under the authority of this proviso may be used against any person in aid of any prosecution for such violation."

The amendment was agreed to.

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

RAILROAD TRANSPORTATION OF PERSONS AND PROPERTY—BILL RECOMMITTED

The bill (S. 3876) relating to the transportation by railroad of persons and property for or on behalf of the United States was announced as next in order.

Mr. LA FOLLETTE. Let the bill go over.

Mr. WHEELER. Mr. President, I may say that this is a bill which I introduced by request, at the instance of the special committee which was appointed by the President to make recommendations with regard to the railroads. The bill was recommended by Mr. Eastman and others. This morning I had a talk with a member of the Attorney General's office, who called my attention to some facts which had not theretofore come to my attention. For that reason I ask that the bill be recommitted to the Committee on Interstate Commerce. As I said a moment ago, I introduced the bill by request.

The PRESIDING OFFICER. Without objection, the bill will be recommitted to the Committee on Interstate Commerce.

BILL PASSED OVER

The bill (S. 3489) authorizing the appointment of John Sneed Adams as a second lieutenant in the Army was announced as next in order.

Mr. KING. Mr. President, I should like to have an explanation of the bill. It may be all right, but it seems to me that promotions ought to be made in the regular way, rather than by special legislation.

Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

EASEMENTS UPON MILITARY RESERVATIONS, ETC.

The bill (S. 3747) to amend an act entitled "An act to authorize the Secretary of War to grant easements in and upon public military reservations and other lands under his control", approved May 17, 1926, 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 to authorize the Secretary of War to grant easements in and upon public military reservations and other lands under his control", approved May 17, 1926 (44 Stat. 562), be amended by inserting, immediately prior to the words "to any citizen" in the seventh line thereof, the following: "and for pipe lines for the transportation of crude oil and the products thereof,".

EXEMPTION OF PUBLICLY OWNED INTERSTATE HIGHWAY BRIDGES FROM LOCAL TAXATION

The bill (S. 252) to exempt publicly owned interstate highway bridges from local taxation was announced as next in order.

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

Mr. MINTON. Let the bill go over.

Mr. BARKLEY. Mr. President, I hope the Senator from Utah will not object to the consideration of the bill. A similar bill unanimously passed the Senate in the last Congress. The bill merely provides that publicly owned bridges over navigable streams shall be exempt from taxation by a State.

It seems to me that bridges which are built across interstate rivers by municipalities or counties ought not to be subject to taxation by the adjoining States, which put up no money to build the bridges. The bill merely provides that such bridges shall be exempt from taxation, except in cases where there is a toll, unless the toll collected is used for the reimbursement of the municipality, State, or county for the construction of the bridge. The bill merely means that a publicly owned bridge built by one community over a stream which divides one State from another shall not be subject to local taxation.

It seems to me there should be no objection to the bill.

The PRESIDING OFFICER. Does the Senator withdraw his objection?

Mr. MINTON. Mr. President, I am sure the Senator from Kentucky knows that a case in point is the bridge over the Ohio River between Kentucky and Indiana. At Louisville, Ky., a municipal bridge crosses the river to Jeffersonville, Ind. The bridge was constructed by the city of Louisville, to be paid for with the proceeds of revenue bonds, the revenue bonds to be retired by the revenues from the bridge. Of course, when the bridge is paid for, it will belong to Louisville, although one end of the bridge rests upon the soil of Indiana. So Louisville gets the entire revenue from the bridge, and all we get from it is the privilege of supporting one end of it. All we desire to do is to tax the end of the bridge which rests in Indiana.

Mr. BARKLEY. The Senator will agree, I think, that neither the State of Indiana nor any part of the State contributed anything to the building of the bridge. Of course, a bridge built across a river must rest on both sides of the river. The bridge in question was built by the city of Louisville at its exclusive expense. It is a bridge which is needed for the accommodation of the people of Indiana who desire to go to Louisville, and for the people of Louisville who may have even a greater desire to go over to Indiana, near the home of my very beloved colleague.

It seems to me that neither the State of Indiana nor any other State similarly situated ought to be permitted to tax a publicly owned bridge built by a municipality out of its own revenues, its own bonds, its own taxes, or its own tolls, notwithstanding the fact that the State which seeks to levy the tax did not contribute a dime to the building of the bridge.

Mr. MINTON. Neither did the city of Louisville nor the State of Kentucky.

Mr. BARKLEY. The city of Louisville is responsible for the bridge. It issued bonds; and the city, of course, is responsible for those bonds. A toll is being collected in order to pay for the bridge. No one would contend that a publicly owned free bridge, part of an interstate highway system, ought to be taxed. It seems to me that the mere fact that in order to erect the bridge at all it was necessary to levy a toll to retire the bonds used in the building of the bridge ought not to militate against the community which has the courage, foresight, and willingness to bear the expense of building the bridge.

Mr. MINTON. The Senator is entirely mistaken about the community incurring a dollar of expense. Neither the city of Louisville nor the State of Kentucky nor the county of Jefferson put up a dime, or obligated themselves to put up a dime, to build the bridge. The bridge was built from bonds which were sold, and the bonds are to be retired from the revenues derived by charging a toll over the bridge.

Mr. BARKLEY. I understand.

Mr. MINTON. The city of Louisville could not have erected the bridge if it had been an obligation of the municipality.

Mr. BARKLEY. Under a special statute the city of Louisville was authorized to issue bridge bonds. It was not necessary for the city of Louisville to take the initiative to inaugurate the proceedings, including the issue of the bonds and the whole procedure which resulted in building the bridge. Nobody contends that Indiana contributed anything to it. Not even the land on which the other end of the bridge rests, in the State of Indiana——

Mr. KING. Mr. President, let me terminate this happy conflict between our leader and the assistant leader. I object to the present consideration of the bill.

Mr. BARKLEY. That is a very unhappy termination.

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

BILL PASSED OVER

The bill (S. 2927) to regulate the times and places of holding court in Oklahoma was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

RELIEF OF CERTAIN NAVAJO INDIANS

The Senate proceeded to consider the bill (S. 3712) for the relief of certain Navajo Indians, and for other purposes, 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 "$37,000" and insert "$30,000", and in line 12, after the word "law", to strike out "Luciano Platero, $7,500", 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 of the United States not otherwise appropriated, to the Secretary of the Interior the sum of $30,000, which amount shall be deposited as individual Indian money to the credit of the estates of the following-named deceased Navajo Indians, and in the respective amounts stated for distribution to the heirs of such deceased Indians as determined by the Secretary of the Interior in accordance with existing law: Wilson Platero, $5,000; Meguelius Sacatero, $5,000; Tom Wood, $5,000; John Apachite, $5,000; Roy Chavez, $5,000; and John Chavez, $5,000.

SEC. 2. The Secretary of the Treasury is also authorized and directed to pay to the Secretary of the Interior the sum of $3,000, which amount shall be deposited as individual Indian money to the credit of Dempsey Sacatero and Jose Mexicano, or their heirs, in the sum of $1,500 each.

SEC. 3. The amounts herein appropriated shall be in full compensation for claims for deaths or injuries sustained in an accident occurring near Gallup, N. Mex., on December 6, 1936: *Provided*, That the amounts herein appropriated shall be expended in accordance with the regulations governing the handling of individual Indian money: *Provided further*, That no part of the amount herein appropriated shall be paid to or received by any agent or attorney on account of services rendered in connection with these claims, and 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.

ISSUANCE OF TREASURY BONDS AND NOTES

The bill (H. R. 10535) to amend the Second Liberty Bond Act, as amended, was announced as next in order.

Mr. BARKLEY. Mr. President, the Senator from Mississippi [Mr. HARRISON] is interested in this bill. We might dispose of it at this time.

Mr. HARRISON. Mr. President, let me say to the Senator from Kentucky that we have been trying to get together on the matter, so that we may eliminate a great deal of discussion. I ask that the bill go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

SCHOOL FOR INDIAN CHILDREN OF YAKIMA RESERVATION

The bill (S. 1325) to provide funds for cooperation with Wapato School District No. 54, Yakima County, Wash., for extension of public-school buildings to be available for Indian children of the Yakima Reservation, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, from any moneys in the Treasury not otherwise appropriated, the sum of $50,000 for the purpose of cooperating with Wapato School District No. 54, Yakima County, Wash., for extension and improvement of public-school buildings: *Provided*, That the expenditure of any moneys so appropriated shall be subject to the condition that the schools maintained by said district shall be available to all Indian children of the district on the same terms, except as to payment of tuition, as other children of said school district: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

OSAGE INDIANS OF OKLAHOMA

The bill (S. 4036) relating to the tribal and individual affairs of the Osage Indians of Oklahoma was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That hereafter the Secretary of the Interior shall cause to be paid to each adult member of the Osage Tribe of Indians not having a certificate of competency his or her pro rata share, either as a member of the tribe or heir or devisee of a deceased member, of the interest on trust funds, the bonus received from the sale of oil or gas leases, and the royalties therefrom received during each fiscal quarter, not to exceed $1,000 per quarter; and if such adult member has a legal guardian, his current income not to exceed $1,000 per quarter may be paid to such legal guardian in the discretion of the Secretary of the Interior: *Provided*, That when an adult restricted Indian has surplus funds in excess of $10,000 there shall be paid such Indian sufficient funds from his accumulated surplus in addition to his current income to aggregate $1,000 quarterly; but in the event any adult restricted Indian has surplus funds of less than $10,000, such Indian shall receive quarterly only his current income not to exceed $1,000 per quarter: *Provided further*, That when the accumulated funds to the credit of any restricted Osage Indian are less than $10,000 the Secretary of the Interior may, in his discretion, pay out of any moneys heretofore accrued or hereafter accruing to the credit of any person of Osage Indian blood who does not have a certificate of competency or is otherwise restricted by operation of law, all or any part of such person's taxes of every kind and character for which such person is now or hereafter may be liable, before paying to or for such person any funds as otherwise required or permitted by law: *And provided further*, That upon application and consent of any restricted Osage Indian the Secretary of the Interior may cause payment to be made of additional funds from the accumulated surplus to the credit of any Osage Indian under such rules and regulations as he may prescribe. Rentals due such adult members from their lands and their minor children's lands and all income from such adults' investments, including interest on deposits to their credit, shall be paid to them in addition to the current allowances above provided.

Whenever minor members of the Osage Tribe of Indians have funds or property subject to the control or supervision of the Secretary of the Interior, the said Secretary may in his discretion pay or cause to be paid to the parents, legal guardian, or any person, school, or institution having actual custody of such minors such amounts out of the income or funds of the said minors as he deems necessary, and when such a minor is 18 years of age or over, the Secretary of the Interior may in his discretion cause disbursement of funds for support and maintenance or other specific purposes to be made direct to such minor.

SEC. 2. That that part of section 1 of an act of Congress of February 27, 1925 (43 Stat. L. 1008), providing that—

"The Secretary of the Interior shall invest the remainder, after paying the taxes of such members, in United States bonds, Oklahoma State bonds, real estate, first-mortgage real-estate loans not to exceed 50 percent of the appraised value of such real estate, and where the member is a resident of Oklahoma such investment shall be in loans on Oklahoma real estate, stock in Oklahoma building and loan associations, livestock, or deposit the same in banks in Oklahoma, or expend the same for the benefit of such member, such expenditures, investments, and deposits to be made under such restrictions, rules, and regulations as he may prescribe: *Provided*, That the Secretary of the Interior shall not make any investment for an adult member without first securing the approval of such member of such investment," be, and hereby is, amended to read as follows:

"Hereafter the Secretary of the Interior in his official capacity may invest the accumulated funds to the credit of restricted members of the Osage Tribe, after paying taxes of such members, in any public debt obligation of the United States and in any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States. With the

consent of adult Indians the Secretary of the Interior may purchase real estate and livestock, such expenditures and investments to be made under such rules and regulations as the Secretary may prescribe."

SEC. 3. That any Osage Indian of the age of 21 years or over, restricted in his property rights by the terms of this or any other act, may file with the superintendent or other official in charge of the Osage Indian Agency a declaration of trust, designating therein the Secretary of the Interior as trustee of the restricted properties described in such declaration of trust, and may therein designate such members of his family or others as beneficiaries of the trust, and prescribe the manner of distribution of the income therefrom and of the corpus thereof upon termination of the trust. Such trusts may be made in such amounts, for such periods of time, and for such purposes as the Secretary of the Interior may approve as being for the best interests of the Indians concerned therein: *Provided, however*, That no such trust shall be made for a term extending for more than 21 years after the death of the last surviving beneficiary named therein, and any such trust approved by the Secretary of the Interior shall be irrevocable except with the approval of the Secretary of the Interior: *Provided further*, That funds held by the Secretary of the Interior in trust, as provided in this section, shall be invested in any public-debt obligation of the United States and in any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States.

SEC. 4. There is authorized to be expended from funds on deposit to the credit of the Osage Tribe of Indians not to exceed $10,000 annually to pay per diems to and traveling expenses of the members of the Osage Tribal Council in making necessary trips to the city of Washington and other places in connection with Osage tribal affairs. Expenditures from appropriations made pursuant to this authorization shall be in accordance with rules and regulations to be prescribed by the Secretary of the Interior.

BILL PASSED OVER

The bill (H. R. 4540) authorizing the Red Lake Band of Chippewa Indians in the State of Minnesota to file suit in the Court of Claims, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over. That completes the call of the calendar.

MARY LORD HARRISON

Mr. MINTON. Mr. President, I move that the Senate proceed to the consideration of House bill 6410, being Calendar No. 1385, granting a pension to Mary Lord Harrison. The calendar has been completed, and I desire to bring up the bill for consideration on my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana.

The motion was agreed to; and the Senate proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Lord Harrison, widow of Benjamin Harrison late a President of the United States, and pay her a pension at the rate of $5,000 per annum.

Mr. MINTON. Mr. President, the bill proposes to grant a pension to Mary Lord Harrison, the widow of President Benjamin Harrison. The Senate is asked to concur in the generous action of the House in passing the bill.

At the present time Mrs. Harrison is 80 years of age. She lives in the city of New York, in very simple circumstances. She does not even own an automobile. She has one maid, and lives a very simple, retiring life. It is true that she is not in necessitous circumstances. As the evidence before our committee showed, she has some income from a trust estate established under the will of her distinguished husband, from which she derives a yearly income of something like $5,000. However, this income is hardly adequate to meet the requirements of the widow of a former President of the United States who, as Senators can readily understand, is frequently called upon to participate in public functions, and to give much of her time to the public. So I say, while this dear lady is not in necessitous circumstances, I have never understood that the pensions which have heretofore been granted to the widows of other ex-Presidents have been granted upon the ground that those widows were in necessitous circumstances. Today the widow of Theodore Roosevelt, the widow of Woodrow Wilson, the widow of William Howard Taft, and the widow of Calvin Coolidge all draw like pensions. I can see no reason why this lady, the widow of a distinguished ex-President of the United States, should not be granted the same honor and recognition.

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

Mr. MINTON. I yield.

Mr. WHEELER. I should like to ask a question for information. There is this difference, is there not, that the lady who is now the widow of President Harrison never lived in the White House?

Mr. MINTON. That is correct.

Mr. WHEELER. She never resided in the White House and was not the wife of the President during his term of service. That, it seems to me, might make a difference between the case of Mrs. Harrison and the case of the widows of other Presidents. I am also told that Mrs. Harrison was left a very substantial sum of money. The fact that a President, perhaps in the last years of his life, marries a lady, particularly, it seems to me, if she is left with a comfortable sum of money, affords no reason why the Government should pension her, although, perhaps, there may be a reason.

Mr. MINTON. The Senator points out a distinction but not a difference. It is true that Mrs. Harrison is the second wife of President Harrison and that she married President Harrison after he left the White House. It is true that she never lived with President Harrison in the White House, and it is also true that President Harrison lived only a few years after their marriage.

Mr. WHEELER. And it is also true that President Harrison left his widow a very substantial sum of money.

Mr. MINTON. It is true that he left her a substantial sum of money, that is to say, about $100,000, from which she receives an income of about $5,000 a year. But, as I understand, it is also true that Mrs. Coolidge had left to her a substantial sum of money by President Coolidge; I understand that Mrs. Wilson is quite well to do; and I understand also that Mrs. Theodore Roosevelt is quite well to do. So it was never understood that those dear ladies were given a pension because they were in necessitous circumstances; and I see no reason why a distinction should be made in the case of Mrs. Harrison.

It is true that she did not live in the White House with President Harrison, but I have never understood that pensions were given to the widows of ex-Presidents as a reward for having lived in the White House; that in itself is a reward.

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

Mr. MINTON. I yield to the Senator from Idaho.

Mr. BORAH. I merely wish to remark that this bill in the present circumstances ought to remind the Congress that it is under some obligation to state the reasons for the pensions paid to the widows of Presidents. Upon what principle are these pensions granted and by what authority are they granted? If we are going to have a pension system with reference to the widows of Presidents, it ought to be embodied in a general law, applicable alike to all who come within the law.

I am rather disposed, like the Senator from Indiana, to find it difficult to discriminate as to particular widows, but when we come back to the real principle upon which the proposed legislation is based, it is only by the ipsi dixit and discretion of Congress that they are granted pensions at all. We can grant such pensions in some cases and refuse to grant them in other cases, and we need assign no reason, simply because we have no reason under the law for granting any of these pensions. There are widows all over this land who have reared families, served their communities in a thousand different ways, and who under every rule of humanity and justice are as much entitled to pensions as the widows of Presidents. And we have the same authority under our Constitution to grant them pensions. Some day, having initiated a movement of this kind, we will have to consider enlarging our contributions. I know of no authority for these donations, but I know there is as much authority for granting pensions to all widows as there is for granting pensions to some.

Mr. MINTON. The Senator is quite right as to the reasons that prompt the Congress in granting such pensions. Congress acts from a spirit of generosity because of a desire to recognize the services rendered to their country by distinguished Presidents. I can think of no other ground for such pensions. Certainly they are not granted in recognition of the wife's service in the White House. In my judgment, it is only in recognition of the distinguished services of their deceased husbands that pensions to the widows of Presidents have ever been granted.

Mr. BORAH. Mr. President——

Mr. MINTON. I yield to the Senator from Idaho.

Mr. BORAH. I was simply going to say that is no reason at all, except that the Senate desires to exercise its generosity at the expense of the American taxpayers.

Mr. MINTON. After all, that is about all there is to the granting of any pension.

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

Mr. MINTON. I yield to the Senator from Kansas.

Mr. McGILL. Is there not this distinction between the widow of a former President and other persons, namely, that the widow of an ex-President, by virtue of that fact alone, is required to do many things that other persons are not required to do? She is called upon to incur much expense over and above what the average person has to incur; she is called upon to entertain and to receive people from all sections of the country. So there is a wide distinction between the widows of men who have served as President of the United States and the average citizens of the country.

Mr. MINTON. The Senator from Kansas is quite right.

Mr. BORAH. Mr. President, will the Senator from Kansas state on what the distinction is based under the Constitution?

Mr. McGILL. Probably under the Constitution there is no distinction, but there is the distinction that the widow of a former President is put to greater expense in order to live than is the average person.

Mr. BORAH. It is also true that the widow of an ex-President has had an opportunity to draw a vastly greater sum of money from the public than most anybody else has had an opportunity to draw.

Mr. McGILL. That is true; and probably some of these pensions have not been justified. As a matter of fact, we are paying pensions today to the widows of former Presidents who are financially well to do, and I see no particular reason why those pensions should be granted.

Some of the other widows of Presidents are much more able financially than is Mrs. Harrison. I think that is true of Mrs. Taft; I think it is true of Mrs. Theodore Roosevelt; and it is probably true of some of the others. The custom, however, of granting pensions to the widows of Presidents started with the widow of President John Tyler. It has followed on down through the history of the country. So there is nothing exceptional about this bill, other than the fact that the present Mrs. Harrison was not the wife of Mr. Harrison while he was President of the United States. That is the only distinction between this and the other cases.

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

Mr. MINTON. I yield.

Mr. BARKLEY. I have forgotten the historical facts. At the time President Harrison left the White House his first wife was not alive, was she?

Mr. MINTON. The first Mrs. Harrison died while she and President Harrison lived in the White House.

Mr. BARKLEY. Yes; and the marriage to the present Mrs. Harrison was contracted after his term as President had expired?

Mr. MINTON. It was contracted about 3 years after President Harrison retired from the Presidency.

Mr. McGILL. I think it was about 9 years afterward.

Mr. MINTON. No; it was about 3 years afterward. As I recall, President Harrison retired from office at the end of 1893, and he was married, I think, to the widow who survived him in 1896. President Harrison himself died in 1901.

So, Mr. President, whatever may have prompted the Congress in the days gone by to grant these pensions, the fact remains that they have been doing it for a great many years.

Mr. LEWIS. Mr. President, may I ask the Senator from Indiana, was there not offspring from the marriage of President Harrison and his second wife, a child now living, who will have to be sustained by this widow?

Mr. MINTON. Mrs. Harrison has one daughter living, but the daughter is not dependent on her at all.

So, Mr. President, I repeat, whatever may have prompted Congress in the days gone by to grant pensions to widows of ex-Presidents, the fact remains that we have been doing it for a great many years, starting with the widow of John Tyler. Most of the widows of Presidents have enjoyed this bounty at the hands of the Government.

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

Mr. MINTON. I yield.

Mr. BARKLEY. To what extent is this case, although an exception so far as the widows of Presidents are concerned, analogous to the cases under the pension laws which Congress has passed from time to time granting pensions to widows of Civil War veterans who married veterans long after the Civil War ended? Is there any analogy between that situation and this?

Mr. MINTON. It seems to me there is a perfect analogy. Congress has granted such recognition to those who married veterans many years after the war had ended. Congress granted pensions to widows of Civil War veterans because they had been the wives of men who served in the armed forces of their country. The pension was a recognition of the service of the man to his country and not a recognition of the woman who lived with him while he was away at the battle front baring his breast to his country's enemy. The pension was granted the woman because she was the widow of one who had served his country, and in recognition of his service.

Mr. BARKLEY. My recollection is that the laws governing Civil War pensions provide that a widow may draw a pension if she married her soldier husband as late as 1890, and I think that date was moved up even later.

Mr. MINTON. Yes; much later.

Mr. BARKLEY. I have forgotten the last move Congress made to bring forward the date of marriage in order to permit an application, but it was a long time after the war was over.

Mr. MINTON. Yes. Mr. President, it seems to me that the pending bill proposes to do what I think is a very gracious thing for the Government to do, namely, to give recognition to the services rendered by deceased Presidents of the United States by granting a small annuity to their surviving widows. It is in recognition of the services of the distinguished husband, and not in any way a recognition of the good woman herself.

Benjamin Harrison came to Indiana as a young man from the State of Ohio, where he was born. He settled in Indianapolis when he was 21 years of age, and soon rose to be the head of the bar in my State. When the war broke out, being a devoted Unionist and a follower of Lincoln, he inlisted in the service by connecting himself with a Volunteer company from the State of Indiana. As I recall, he entered the Army as a second lieutenant at the beginning of the war and returned as a brigadier general.

After the war Mr. Harrison was elected to the United States Senate from the State of Indiana, and served a term in the Senate. Then he was elected to the Presidency of the United States, and served one term there. His great-grandfather was Benjamin Harrison, who signed the Declaration of Independence. His grandfather was William Henry Harrison, who was the ninth President of the United States. His father was a Representative from the State of Ohio.

Benjamin Harrison devoted his life to the service of his country; and so to the people of Indiana—yes, I say, to the people of the United States—his name is linked with honorable and distinguished public service.

We in Indiana are proud of Benjamin Harrison and his contribution to the Nation. I hope the Senate of the United States will be generous enough this afternoon to join the House of Representatives in this belated recognition of the widow of this distinguished Hoosier, who occupies a place in the heart of every Hoosier in the country.

Mr. WALSH. Mr. President, I have a very painful task. I dislike exceedingly to take the position I feel compelled to take in opposition to granting a pension of $5,000 to this good woman.

With all that the distinguished and able Senator from Indiana [Mr. MINTON] has said in reference to the high character of the public service of President Harrison I coincide. With all that he has said with reference to the fine, splendid type of woman that Mrs. Harrison is I coincide. But, Mr. President, I feel very deeply the obligation to call the attention of the Senate to the fact that I cannot vote a $5,000 pension for a woman, however noble and fine a woman she is, whose only claim to it is that she is a widow and that at one time, in the latter part of his life after he had left public office, she married a man who was once President.

If we vote a pension under these circumstances, how can we then deny a pension to any widow anywhere? I shall refer in a moment to the financial circumstances of Mrs. Harrison, which are not by any means distressing.

Mr. President, if it were not for my unwillingness to embarrass my colleagues, I should offer an amendment to this bill providing for a pension of $5,000 a year to the widow of the late Joseph T. Robinson, who for 40 years served his country with a splendid record of public service, and whose widow, I believe, if the facts were known, could well make use of a $5,000-a-year pension.

The widow of a Senator who sat in this Chamber with most of us for 10 or 12 years is now occupying a very modest position in this building, so restricted are her financial resources. Why should we not give her a pension?

Why not give pensions to widows of Representatives and Senators who shared the trials and burdens of public life with them before we go into the field of giving pensions to widows who married public servants after they left public office?

When we are asked to grant pensions to the widows of World War veterans who remained at home and cared for their children while their husbands were fighting in the trenches, what answer can we make to them? Shall we say, "We grant pensions to widows of ex-public servants but we have no pension for you," merely for the reason that there are so many of such widows, and the amount is so large, that we cannot afford it?

If I vote for this bill I cannot vote against a pension for any widow, and certainly not against a pension for a widow whose husband served in the World War, and who bore the suffering, the pain, the anguish, the loneliness, the fear that haunted her every day her husband was across the sea. Were it not for the fact that it would embarrass my colleagues, I should offer an amendment to this bill providing that every destitute widow of the World War should be given a pension of $30 a month, not $5,000 a year.

My colleagues, I cannot bring myself to vote for this bill. I dislike to find myself in this position, because I have been thinking about the widows of World War veterans. The bill providing pensions for them is here. It has passed the House. It may come before the Senate. How can any one of us refuse pensions to destitute widows of soldiers of the World War, and yet give a pension of $5,000 to the widow of a man who at one time was President of the United States, and who married the ex-President later in life?

I hope we shall not take this step. If we do, I do not see where we can stop. I do not see how we can refuse to give a pension to the widow of any Representative or any Senator who has served here not 4 but 20, 30, or 40 years, and whom the Representative or Senator married, not after leaving office, but early in life, and who served the trials of public life with the Senator or Representative during his term of office.

Now what are the facts in connection with the financial situation of this woman? Her husband left her a trust fund of $100,000, which by codicil was increased by $25,000; so she has a trust fund of $125,000, which, I am informed, has somewhat increased in value. She has an income of $720 a year from the house which President Harrison owned, and which was sold to a foundation.

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

Mr. WALSH. Yes.

Mr. MINTON. I think the Senator is mistaken about Mrs. Harrison having any income from the house. The house is owned by the Jordan Foundation. At the present time, as I understand, she receives no income from the old Harrison home in Indianapolis.

Mr. WALSH. The Senator may be correct in that detail, but I have information as to the amount of her total income. I shall not dispute the Senator as to the particular matter he mentions. The income may not come from that source.

Her average income for each of the years 1936 and 1937 was $7,926. The record that I have comes from the husband of the daughter of the first marriage of President Harrison. He has sent me a copy of the will and the trust report. There is not any question in my mind about the accuracy of the facts I am stating.

Under date of July 2, 1937, the trustees advised Mr. McKee, the husband of the daughter of President Harrison by his first marriage, that the trust fund was worth from $130,000 to $150,000. During 1936 Mrs. Harrison received $400 a month from this trust, and a lump sum of $1,157 at the close of the year, making a total of $5,957. Mrs. Harrison stated that before her marriage she had an income of $6,000 annually, received from the estate of one of her previous husbands and her mother. Her income of $720 annually from the Jordan Foundation is guaranteed, and not subject to diminution, as stated by Mrs. Walker. Mrs. Harrison was 38 years of age, and ex-President Harrison was 65, when they were married.

Mr. BORAH. Mr. President, may I interrupt the Senator?

Mr. WALSH. Yes.

Mr. BORAH. Does not this matter resolve itself into the simple question whether we are to grant a pension to a widow who married after her husband left the Presidency?

Mr. WALSH. That is the situation. It is the opening wedge to giving pensions to widows of public servants who married them after the public servants were retired from public life.

Mr. BORAH. I understand that the widows of other Presidents have incomes equal to or in excess of the income of Mrs. Harrison; so the question of income seems to me not to have any bearing upon this matter. It is a simple question whether we shall grant a pension to Mrs. Harrison, she having married Mr. Harrison after he ceased to be President.

Mr. WALSH. I agree with the Senator. I am basing my case on that very premise; but I did feel that I ought to call attention to the fact that Mrs. Harrison is not destitute. She has an income of nearly $8,000 a year, and she is 80 years of age.

Let me say that I do not want to imply anything wrong in this instance. Perhaps I ought not to say this, but I have found, in the case of some of these pensions—I do not mean to say that that is so in this case—the agitation for the pension is sometimes brought about by persons who will benefit by the death of the pensioner, and who do not wish to have the estate diminish during the pensioner's lifetime.

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

Mr. WALSH. Yes.

Mr. BARKLEY. I appreciate the sincerity of the Senator's position about this matter. I am somewhat worried about it on account of the analogy which I drew a moment ago in a colloquy with the Senator from Indiana. There may be none; but in our pension laws we have pensioned widows of soldiers who married them long after the war in which they served. That may have been a bad policy, but it has been done. What does the Senator think about that

as a precedent for action in this case? Of course, these cases of Presidential widows do not arise very often.

Mr. WALSH. First of all, I think that pensions to widows of soldiers are in an entirely different category from pensions to widows of public servants. It is a question of whether or not we are going to give pensions to widows of Supreme Court Justices, Representatives, Senators, Vice Presidents, and Presidents, and not the widows who were their wives during their service, but afterward.

Mr. BARKLEY. I agree with the Senator that a pension to a soldier is quite a different matter, but in a case where a Civil War veteran, we will say, married 40 years after he served in the Army, and he himself was drawing a pension, we have pensioned the widow, although she became the wife of the soldier 30 or 40 years after the war was over. I would not, of course, vote for a bill to pension widows of public servants generally. We have adopted this custom of pensioning Presidents' widows. It may have been wrong in the beginning, but it was due to the feeling of the Congress and of the people, I think, that it was a dignity which ought to be shown to the widow of any President. Many Presidents are not men of wealth, and in some cases their widows have had very slight means of support. The custom arose in a feeling of generosity to the widow of some President, who the people did not think ought to be required to find some way of earning a livelihood, on account of her position in the past. I am wondering whether there is a real parallel between the pensioning of the widows of soldiers who marry them long after the war in which they served, and the pensioning of the widow of a President.

Mr. WALSH. Mr. President, I happen to have a letter on my desk, a very interesting letter, from Los Angeles, from a lady who evidently read in the press that I had filed a minority report in this case. She writes as follows:

> It is a crime to grant these widows pensions when they are amply provided for, when there are so many widows of Civil War veterans who have been married since 1905 and have lived with their war husbands all through the years, some over 40 years. They cannot get a pension, they who need it so badly. Mrs. Harrison, above all, is not entitled to any bounty from the Government, and I wouldn't think she would want to accept any when so many people that are really entitled to a pension can't get it.
>
> Take for instance the World War widows, the Spanish-American War widows—not to mention the Civil War widows who have no means of support—if Mrs. Harrison has a vestige of pride—

And so forth.

When a pension was granted recently to the widow of a President who had been his wife while he was President, I was surprised at the letters I received. There was no controversy here about the matter, there was no dispute. It was announced in the papers that the widow of a particular President had been given a pension, and I received these letters of complaint, asking what justification we had, what right we had, to take that action. Frankly, I could not write a letter of justification, especially when I knew that the scrub women working in this Capitol Building for 20 or 30 years, to put an extreme case, do not get pensions.

I have assumed that the reason why a pension has been given to the widow of a President was, in part at least, that she shared his burdens, cares, and responsibilities, his trials, troubles, and sacrifices, in residing in the White House. Certainly no such situation exists in reference to a widow who has never occupied the White House, and never resided with President Harrison while he was holding public office.

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

Mr. WALSH. In just a moment. I propound again this question: If I chose to offer an amendment that Mrs. Joseph Robinson be given a pension of $5,000 a year, who on this floor could oppose it? Is there any question about her greater right? Is there any question about the fact that she sacrified and toiled with her husband, went through campaign after campaign with him, and made some contribution to his public service during all the years of his life?

I yield to the Senator from Kansas.

Mr. McGILL. Mr. President, there are four widows of former Presidents who are now on the pension roll, each drawing a pension of $5,000 per annum.

Mr. WALSH. Yes.

Mr. McGILL. Each of those ladies was the wife of a President while he was President of the United States, or at least during a portion of the time he was President. I assume that the Senator from Massachusetts will agree that each of those four widows is as well-to-do financially, if not more able financially, than the present Mrs. Harrison.

Mr. WALSH. Far more well-to-do financially; there is no doubt about that.

Mr. McGILL. Then, if we are to treat all alike, the only point is that the present Mrs. Harrison did not marry the former President until about 3 years following his retirement from office. Is not that the only matter before the Senate?

Mr. WALSH. If it is assumed that all widows of Presidents, whether they marry while the President holds office or afterward, are entitled to pensions, then I have no case at all. But I do claim that there is a clear distinction between the widow of a public servant who happens to be President, and who shared the burdens and trials of public life with him, and one who married him 3 years after he got out of public life.

I go farther and say that if we open the door and give pensions to that class of widows, however deserving they may be, we will have to take the next step, which is to provide pensions for widows of other public servants, Members of the House and the Senate, for example, or the Supreme Court, or some other branch of the Government, who have during the lifetime of the public servant shared and participated in the responsibilities of public office. But even beyond all that, there are widows of World War veterans who are poor, poverty stricken, some of them with children. How are we going to deny them pensions?

Mr. McGILL. I agree with the Senator, but that argument would apply to each of the four pensioners to whom I have referred. The point I am making is that the only distinction between the present Mrs. Harrison and the four pensioners who are now on the pension rolls is the fact that she did not marry Mr. Harrison until after he had retired from the Presidency. Is not that the only distinction between these widows?

Mr. WALSH. This woman is the widow, not of a President, but the widow of an ex-President.

Mr. McGILL. I agree with that.

Mr. WALSH. She married him when he was a private citizen.

Mr. McGILL. Is there any distinction between this woman and the other four save and except that one fact, that she married the late President after his retirement from office?

Mr. WALSH. It is a fact that we have granted pensions to widows of Presidents, but this is the first time it has been proposed that we grant a pension to the widow of an ex-President.

Mr. McGILL. I agree with that. I was about to say that fairness would dictate that if we do not pass this bill we should repeal the acts in the other four cases.

Mr. WALSH. I cannot follow the Senator to that extent, but I do think that I ought to say candidly that I am not in sympathy with the general principle of granting pensions to widows of Presidents, especially those who are in comfortable circumstances. However, I have never before raised my voice in opposition, though I have entertained doubts about such a policy. However, I felt that this proposal is a definite departure from the general principle of pensions to Presidents' widows, which ought to be called to the attention of the Senate.

I do not see how I could vote for this pension and remain here in this body without proposing and urging pensions for the widows of World War veterans. I just cannot see how I can look the widow of any veteran in the face and say "I voted to give a pension of $5,000 to the widow of an ex-President, and deny you one."

It is unnecessary for me to say to the Senator from Indiana that there is no personal feeling between him and me. I know he respects my views, as I do his. He is perfectly proper in presenting this matter, and he has some basis

for it in the policy which he contends has been heretofore established.

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

Mr. WALSH. I yield.

Mr. BORAH. So far as any authority upon the part of Congress to grant this pension is concerned, we have just as much authority to grant Mrs. Harrison a pension as we have to grant one to any other widow.

Mr. WALSH. That is true; to every other widow in the country.

Mr. BORAH. We are moved solely, in the granting of the pension, by what might be regarded as sentimental reasons. The Senator thinks that such a reason ought not to operate so strongly when the marriage took place so long after the President left the White House. But the fact is that we are granting pensions to these people without any authority in the world for granting them. That is what we have to face. We have just as much right to grant a pension to the widow of any Member of Congress or of any Cabinet officer or of any other public officer, or to the widow of any private citizen.

Mr. WALSH. To the widows of Supreme Court Justices who spend 30 or 40 years on the Court.

Mr. BORAH. And we will have, as once there was in the Old World, a vast list of pensioners who depend solely on the will or wish or whim of the granting body as to whether they shall have a pension.

I am not going to argue that we should not grant such pensions as these at all. It would not have any effect, because we do it for reasons which are not subject to control by argument. We do it because we think that the situation calls for the exercise of what I regard as a wholly extra authority. But the truth is that we have not any authority whatever for granting these pensions. I only suggest if we propose to usurp the power then we should pass a general law covering the subject. After all, it may be that we will want to think more favorably of Dr. Townsend's plan.

Mr. WALSH. Mr. President, the Senator from Idaho has in the main stated the reasons why I have taken the position I have. I do not want to go beyond the present questionable procedure of granting any of these pensions to widows of public servants at all. I feel that to take the proposed action would be to take another step toward opening another door, and it would be very easy to go to the next step, as I indicated by the illustration I have given of the widow of a distinguished late Member of this body.

Mr. President, I think it is a great mistake to take this step. I should have more hesitancy in taking the position I have taken, if I felt that this women was in poverty or suffering. That condition does not exist. She has an income of nearly $8,000 a year, and is not destitute. But aside from that, I again repeat the question:

How and in what manner can we explain our failure to grant a pension to the widow of any public servant who has for a long period of time in any high office rendered service to this country, or to the widow of any war veteran, when they can point to a vote of ours giving a pension to the widow of an ex-President—a widow of a private citizen who at one time in his life had been a public official in high station?

Mr. COPELAND. Mr. President, it has always been a matter of distress and humiliation to me that a President of the United States should be in any sense whatever the subject or object of charity. I can recall an ex-President who was down-and-out, as the modern phrase goes, and except for a pension which was given him by a privately endowed institution he would have been almost without income. Mr. President, my idea is that when a man leaves the Presidency of the United States he cannot be submerged in private life. He continues to be a public figure, and in most instances, as in the case of President Harrison, a great public factor for good.

Mr. President, I never met Mrs. Harrison. She lives in my city. But I know personal friends of hers. I have had communications from distinguished persons in New York who are acquaintances and friends of hers. Her financial ability has been much overstated in the Senate. I do not mean that as any reflection at all on anyone.

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

Mr. COPELAND. I yield.

Mr. MINTON. I may say to the Senator from New York that the evidence before our committee was to the effect that her yearly income was around $5,000. The evidence produced by the Senator from Massachusetts was furnished to him by Mr. McKee. I believe he was the son-in-law of President Harrison. He married a daughter of the President by his first marriage. I think the testimony before our committee was to the effect that her income was only $5,000.

Mr. COPELAND. My information is exactly the same as that given to us by the Senator from Indiana.

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

Mr. COPELAND. I yield.

Mr. WALSH. I do not want to question the Senator's information, but I gave a great deal of attention and went thoroughly into the question of what the income was. As was said before, the trust fund was $100,000. I discovered upon research that it was $125,000 and not $100,000. The unmistakable evidence before me is that the income of this woman from December 1935 to December 1937 was $15,852, or an average of $7,926 per year.

Mr. COPELAND. Mr. President, I think I can speak feelingly when I say that somehow funds which are put away for old age have had a way of decreasing in value, particularly in the last few years. I could speak, if it were important, of my own experience. I know that whereas a trust fund of $100,000 a few years ago would yield, perhaps, $7,000 or $8,000, if well invested, it may not yield half that amount today.

Mr. President, here is a woman who was the wife of a great figure in American history. There rest upon her certain obligations which do not rest upon most widows. There rests upon this fine woman the necessity—I may say the obligation—to maintain a position of dignity. To carry her head high is her duty. She lives in a section of the city which might be misleading to those who think of Fifth Avenue in its lower reaches. She lives on Fifth Avenue away up toward Harlem. She went there because she could find decent quarters at a comparatively low rent. She went there for another reason. She cannot afford the upkeep of an automobile. She can take the Fifth Avenue bus. An old lady, 80 years old—80 years old!—the widow of an ex-President of the United States, the widow of a distinguished figure in our national history, is forced to climb on a Fifth Avenue bus because she cannot have other means of transportation.

I do not mean to say that I would not like to have the widow of every American citizen so well cared for that she could have an automobile, but I believe that there rests upon us the obligation to make it possible for this particular widow to live in decency, to carry on as she should do because of her position.

The Senator from Kansas [Mr. McGILL] spoke about entertainment. Of course, there is a demand for entertainment. Almost everyone in creation wants to go and see the widow of a President. There are obligations resting upon her.

I am not worried about any precedent we may establish. I do not think it is very likely that many Presidents of the United States will marry again after they retire from the Presidency. I do not think we are establishing any dangerous precedent. Certainly, if we have chosen to give pensions to the widows of Presidents who have lived in the White House, we should give it to this particular woman.

Mr. President, Mrs. Harrison has an invalid sister. She takes care of her. That adds to her burden.

I say in all decency, in all fairness, in all justice, if we are to take care of any widows of Presidents we should take care of this particular widow. I hope with all my heart that the Senate will see fit to pass the bill.

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

Mr. WALSH. Mr. President, I shall be content to have a division rather than a yea-and-nay vote.

The PRESIDING OFFICER. The question is on the third reading of the bill. [Putting the question.] The Chair is in doubt.

On a division, the bill was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass? [Putting the question.] The Chair is in doubt. On a division, the ayes are 13 and the noes are 11. So the bill is passed.

AUTHORITY TO COMMITTEE ON APPROPRIATIONS TO SUBMIT REPORTS

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized to submit any report which it is ready to submit during any recess of the Senate between now and next Monday.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BARKLEY. I will say, for the benefit of the Senate, that it is contemplated that we shall have a brief session tomorrow, which would not be necessary except for the fact that under the Constitution we cannot take a recess from today until Monday. I am advised that the Appropriations Committee will not be ready to take up the relief appropriation bill before Monday. Therefore, I contemplate moving tomorrow that the Senate take a recess until Monday. However, we shall have to meet tomorrow in order to do that.

IN MEMORIAM—MARTIN JOHNSON

Mr. CAPPER. Mr. President, today is the anniversary of the passing of Martin Johnson. I desire at this time to take a few minutes of the time of the Senate to pay tribute to the memory of a Kansan whom I consider one of the great Americans of this generation.

The names of Martin Johnson and of his intrepid wife, Osa Leighty Johnson, are household words in American homes today. Martin Johnson, whose tragic death following an airplane crash more than a year ago came as a shock to his thousands of friends and admirers, has become a heroic legend to the children of the entire world through the pictures of wild animals, and even wilder men, which his camera brought before our eyes in the past quarter of a century.

Martin Johnson is perhaps one of the last of the great explorers. His passing deprived the Nation—I am entitled to say the world—of one of its boldest pioneer spirits and science of one of its most ardent and faithful champions.

Martin Johnson, of Kansas, belonged to that illustrious line of explorers and searchers after the truths of Nature. He was a worthy successor of Leif Ericson, Christopher Columbus, and Sir Francis Drake. Accompanied by his devoted wife, Osa, a kindred spirit, he spent his life searching the remaining unknown parts of the earth. He pitted his strength, skill, and determination against the strength of Nature. He penetrated the inhospitable and dangerous jungles and made these regions and their inhabitants, men and beasts, known to the rest of us through his camera lens, his scientific studies, and his books. He turned the jungles inside out for us to enjoy and understand. To accomplish this he lived dangerously, joyously, and buoyantly to the end.

Martin Johnson was a dreamer of dreams, also a materializer of dreams. He dreamed of filming and recording the world panorama of vanishing wildlife, from the man-eating savages of the South Seas to the ferocious beasts of the Dark Continent. He recorded the life of the jungle; he also recorded the sounds of the jungle—human speech, native "telegraph" systems, savage dances, ceremonials, the cries and calls, the struggles, beauties, and tragedies of wild animal life.

Martin and Osa Johnson together endured and enjoyed dangers and hardships. They gathered for us and for future generations to see, hear, and ponder over the primitive life of the race—a primitive life fast passing—and the manners and habits of the great beasts of the forest, the desert, and the jungle, succumbing to the march of a civilization which is destroying these things and which it seems at times threatens also to destroy itself.

Martin Johnson's tragic death brought to an end his own studies and participation, but not the work of his dreams. Osa Johnson, his wife, has valiantly undertaken to complete the task he set himself to do. The record to date is contained in hundreds of thousands of feet of film and a library of still pictures, housed in the American Museum of Natural History and elsewhere, for our children to enjoy as we have enjoyed them.

Patience and drudgery, as well as perseverance, high daring, and an intelligence of unusual order, went into the making of the Johnson pictures, studies, and records of men and animals. Martin Johnson was a scientist as well as a dreamer and an adventurer in the highest meaning of that term.

With his wife Osa by his side, sometimes with another camera, sometimes with a notebook, often covering him with a gun, Martin captured with his camera lens, one after another, nearly all the wild beasts of Africa and other lands. He was a worshiper of truth, no nature faker. He refused to record wild animal life except in its natural life and surroundings. Hence, he had no choice but to wait patiently at waterholes and other haunts for his subjects to arrive and to perform. He would wait for weeks, perhaps roasting under an equatorial sun, drenched by tropical rain, or freezing in the bitter cold of the high mountains, to "take" some rare creature, or complete a "family group."

He had two constant companions, his wife Osa and danger. But neither he nor Osa, they have told me, ever shot an animal unless to save human life or to obtain urgently needed food. They did their work with their cameras. Martin Johnson was sentimental—the sentimentality of the strong and courageous—about the creatures of the forests. He pictured life, but did not destroy it.

He could be primitive in dealing with the primitive; but he was decidedly modern, even sophisticated, in accomplishing the tasks to which he set himself. In their early days, he and Osa tramped from 20 to 30 miles a day over all kinds of terrain, joyously enduring almost unbelievable hardships, to obtain their photographic "specimens." But he was quick to move on to more and more rapid transportation as man progressed in his conquest of time and space, and as funds permitted. He used the men in the safari; he used camels; he used the waterways of the wilderness. He was the first to adapt the motorcar to jungle travel. He and Osa became pilots, and used the airplane despite the great hazards of flying over trackless and fuelless jungles.

"The hardships are always there," he once remarked, "but there are ways of avoiding some of them."

There was Viking blood in Martin Johnson's veins. The passion for exploring the unknown was a heritage through countless generations. His parents came directly from Sweden to my own State of Kansas, when Kansas was a State of pioneers as well as a state of mind. He always credited his ability to endure physical punishment to the hardy background of ancestry and early life.

Early in his life Jack London fired the youthful Martin's imagination. He was chosen by London from several thousand applicants as a "hand" on the famous *Snark,* whose voyage became literary history.

After the cruise with Jack London in the *Snark,* Johnson returned to Kansas. At Chanute he fell in love with Osa Leighty and married her. Meeting Osa was a high point in the life of Martin Johnson, he has told me. She was his inspiration and his helpmate. Together they journeyed into far places for 27 years. Their first adventure, a trip through the South Seas on a small boat, with flimsy old motion-picture equipment—a trip made on nerve instead of capital—almost ended in their being eaten by cannibals. But the British Navy saved them, as it has saved many others, and they returned to start again and again on other journeys.

Martin Johnson loved animals and animal life. He preferred to shoot his game with a camera, not with a gun. His love of life and living things and his enjoyment of the living of life shines out of every film he ever made. He watched his animals by the hour, got the intimate details of their lives, and brought them to the boys and girls, the men and women, of the workaday world who also love nature but are able to see so little of it.

It is not surprising that boys and girls all over the world loved and followed Martin Johnson, for always he was just a boy grown up. He was the American boy, dramatized and glorified, a product of our soil and culture, an inspiration to American boys of today and tomorrow.

I imagine Martin Johnson's rugged nature would care little for a monument to his memory; but one is hardly necessary. The animal pictures he has made, the lessons he has conveyed to the hundreds of thousands who have enjoyed his pictures, books, and lectures on wildlife are a sufficient monument to Martin Johnson. But it seems to me fitting that someone should place in the RECORD this slight tribute to one whom I regard as a great American. As a fellow Kansan and friend of the Martin Johnsons, I am proud to place this brief tribute—I wish it were a better one—in the RECORD.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 58 minutes p. m.) the Senate took a recess until tomorrow, Thursday, May 19, 1938, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 18, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We pray Thee, O God, to open our lives to Thy great nature, to the wonder of Thy providence, and keep us very near the Father's heart. May we discern Him whom Thou hast sent to make known to the world the ways of peace, joy, and salvation; always looking unto Him as our sacrifice and the One who ever lives for us. We praise Thee that in Thy heart there is a place for every human experience. Inspire us to respond to Thy call and find in Thee the Great Shepherd who is the way, the truth, and the light. Whether we walk the lonely ways of trial or tread the summit of joy, in Thee we have a leadership that never faileth. Oh, let us feel the uplifting, transfiguring strength of a personal God, sheltering and blessing us with His fatherhood. We pray that Thy spirit may fan into a glowing flame the embers of purity and happiness on every hearthstone and make the heart of every home a throne of whiteness and its life a temple of love. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 5030. An act granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the War with Spain, the Philippine Insurrection, or the China Relief Expedition, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 153. An act to prohibit and to prevent the trade practices known as "compulsory block booking" and "blind selling" in the leasing of motion-picture films in interstate and foreign commerce.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3691) entitled "An act to provide for the appointment of additional judges for certain United States district courts, circuit courts of appeals, and certain courts of the United States for the District of Columbia."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10140) entitled "An act to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCKELLAR, Mr. HAYDEN, Mr. BAILEY, Mr. BULOW, and Mr. FRAZIER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7104) entitled "An act for the relief of the estate of F. Gray Griswold."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 750. An act to grant relief to persons erroneously convicted in courts of the United States;

S. 842. An act to provide for an investigation and report of losses resulting from the campaign for the eradication of the Mediterranean fruitfly by the Department of Agriculture;

S. 1700. An act for the relief of William A. Patterson, Albert E. Rust, Louis Pfeiffer, and John L. Nesbitt and Cora B. Geller, as executors under the will of James T. Bentley; and

S. 3290. An act to impose additional duties upon the United States Public Health Service in connection with the investigation and control of the venereal diseases.

EXTENSION OF REMARKS

Mr. KENNEDY of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a radio address delivered by me on last Friday evening.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PUBLIC WORKS ON RIVERS AND HARBORS FOR FLOOD CONTROL

Mr. DRIVER, from the Committee on Rules, reported the following resolution (H. Res. 503), which was referred to the House Calendar and ordered printed:

House Resolution 503

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10618, a bill authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Flood Control, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

COMMITTEE ON BANKING AND CURRENCY

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may be permitted to sit this afternoon during sessions of the House.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXTENSION OF REMARKS

Mr. MEAD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting a speech on Air Mail Week and another one that I delivered at the dedication of the post office at Homer, N. Y.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

SARATOGA NATIONAL HISTORICAL PARK, N. Y.

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4852) to provide for the creation of the Saratoga National Historical Park in the State of New York, and for other purposes, with Senate amendments, and concur in the Senate amendments.

I have discussed this matter with Members on both sides of the House, and it is agreeable to them.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, strike out all after "the" down to and including "dedicated", in line 10, and insert "area at Saratoga, N. Y., whereon was fought the Battle of Saratoga during the War of the Revolution, shall have been vested in the United States, such area shall be, and it is hereby, established, dedicated."

Page 2, line 3, strike out "areas" and insert "area."

Page 2, line 4, strike out "at least."

Page 2, line 5, after "New York", insert "and any additional lands in the immediate vicinity thereof which the Secretary of the Interior may, within 6 months after the approval of this act, designate as necessary or desirable for the purposes of this act."

Page 2, line 8, strike out "and/or."

Page 2, line 8, strike out "so forth", and insert "other property."

Page 2, line 10, strike out "and/or" and insert "or."

Page 3, strike out lines 1, 2, and 3.

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Louisiana if this park has been approved by the Advisory Board on National Parks and Historic Sites.

Mr. DEROUEN. That is my understanding.

Mr. SNELL. I understand this is satisfactory to all the people concerned.

Mr. RICH. If it has been approved by that Board, all right; but if not, I shall have to object.

Mr. DEROUEN. It has been approved.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PURCHASE OF PUBLIC LANDS FOR HOME AND OTHER SITES

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8008) to provide for the purchase of public lands for home and other sites, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior, in his discretion, is authorized to sell or lease, to any person who is the head of a family, or who has arrived at the age of 21 years, and is a citizen of the United States, or who has filed his declaration of intention to become such a citizen, as required by the naturalization laws, a tract of not exceeding 5 acres of any vacant, unreserved, surveyed public land, or surveyed public land withdrawn or reserved by the Secretary of the Interior for any other purposes, or surveyed lands withdrawn by Executive Orders Nos. 6910 of November 26, 1934, and 6964 of February 5, 1935, for classification, which the Secretary may classify as chiefly valuable as a home, cabin, camp, health, convalescent, recreational, or business site in reasonably compact form and under such rules and regulations as he may prescribe, at a price to be determined by him, for such use: *Provided*, That no tract shall be sold for less than the cost of making any survey necessary to properly describe the land sold; that no person shall be permitted to purchase more than one tract under the provisions of this act, except upon a showing of good faith and reasons satisfactory to the Secretary, and that patents for all tracts purchased under the provisions of this act shall contain a reservation to the United States of the oil, gas, and other mineral deposits, together with the right to prospect for, mine, and remove the same under such regulations as the Secretary may prescribe: *Provided further*, That this act shall not apply to any lands in the Territory of Alaska."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to quote therein from a very brief article.

The SPEAKER. Is there objection?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to insert therein an address delivered last night by myself before the Columbia Historical Society.

The SPEAKER. Is there objection?

There was no objection.

Mr. LORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to insert therein two short letters which I received this morning.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD by printing an editorial from this morning's Washington Post on Minimum Wages.

The SPEAKER. Is there objection?

There was no objection.

Mr. NELSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include extracts from certain speeches that I have made myself.

The SPEAKER. Is there objection?

There was no objection.

PRICE OF FARM PRODUCTS

Mr. GEARHART. Mr. Speaker, in the Seventy-fourth Congress I introduced a House joint resolution (H. J. Res. 444), a resolution which, if it were to pass the Congress and be signed by the President, would authorize and direct the Federal Trade Commission to investigate and report to the Congress the theretofore unexplained reasons for the seemingly disproportionate spread between that which the farmer realizes from that which he produces on his farm and that which the consuming public is compelled to pay therefor in the open market.

A legislative move of this character necessarily involved and contemplated an investigation into the activities of middlemen, their services, real and unreal, their compensation, earned and unearned. The friends and supporters of my proposal were hopeful that an inquiry of this kind would expose and reveal to the unsuspecting public the long existing though utterly indefensible methods and practices which are daily utilized by eastern gangsters and organized racketeers in their nefarious business of exacting unearned tribute from our western growers and shippers of table and juice grapes, fresh fruits and vegetables; by gangsters and organized racketeers whose only authority to so disport themselves rests upon that which lawlessness and "ability to get away with it" confer. Even though the power to investigate which the resolution sought to confer on the F. T. C. was plenary, it was the racketeer whose scalp we were seeking.

In the due course of time my resolution was approved by the House of Representatives despite the opposition of those who saw in it a threat against the business methods through the use of which they had so long thrived. After the measure had passed the House, and at my request, the senior Senator from California, Senator HIRAM W. JOHNSON, extended his powerful sponsorship to the proposed legislation and successfully guided it through the branch of the National Legislature of which he is a most distinguished Member. After the President of the United States had signified his approval of the proposed investigation, the Congress appropriated $150,000 to cover the costs of the inquiry, which held such promise of better marketing conditions for those who are engaged in agricultural pursuits.

Pursuant to the authority reposed in the Federal Trade Commission through the enactment of the Gearhart resolution, now known as Public Resolution No. 112, the Commission proceeded to make a thorough investigation of middlemen, honest and dishonest, and to launch a searching inquiry into

the manipulations and maneuvers of the gangsters and racketeers who frequent the neighborhoods where perishables are sold.

This investigation has just now been completed, and the Commission's report has been filed with the Congress. In this report, a report which the Congress has just recently ordered to be printed and made available to the public, startling revelations of sinister practices which have cost the farmer-producer and shippers each year millions of dollars—money which they should have never been required to have paid—are made. Because of the thoroughness of the work of the Federal Trade Commission and the soundness and value of its recommendations, this great and useful agency of government is entitled to and should have the gratitude of all right-thinking Americans who have not yet lost faith in the immutable laws of fairness and simple justice in the ordering of our human affairs.

In its report specific legislation is recommended by the Commission, legislation which will if enacted into law end for all time certain of the unfair, indefensible, and fraudulent methods, practices, and tactics of those unconscionable scoundrels who have for years unnumbered been successfully and without real interference exacting unearned fees, wages, and commissions for imaginary services pretendedly rendered to the victimized western farmer, who lives and farms his lands too far from the eastern market, the scene of the wrongdoing, to be able himself to detect the frauds and deceptions that are being systematically practiced upon him.

As a step toward the elimination of a portion of that which is in the report revealed, an end devoutly to be desired, I have today introduced two bills, each of them suggested by the Federal Trade Commission in its report, bills which will, I feel confident, if translated into finished law, serve to improve immeasurably the conditions under which the farmer is compelled to dispose of that which he produces on his farm—the farm which is so often thousands of miles from his market.

The bills which I have introduced are purposed to bring to an end the claims racket, and in their approach to the problem each is a complement to the other. One would confer on the Secretary of Agriculture the power to designate certain markets wherein perishables, such as table and juice grapes, fresh fruits and vegetables, are sold as "principal terminal markets," and to assign to those markets agents of the Department of Agriculture whose duty it shall be to make complete condition inspections of all perishables which are suspected of having been damaged in transit, for the purpose of determining the cause and extent of the damage, if any. The bill would substitute for the privately employed and privately paid inspector, who has too often in the past listened "to his master's voice," a disinterested inspection service, Government provided and Government supported, upon which each side to the controversy, railroad and shipper alike, can in the greatest of confidence rely. It will eliminate the "bought and paid for" professional witness who, in the hope of further employment, prostitutes himself and degrades his profession by furnishing only the kind of testimony that supports his employer's cause. It is estimated that millions of dollars has been paid out by carriers upon fraudulent claims simply because of their inability to rebut with honest, factual evidence the bald assertions of this "bought and paid for"gentry which is ever standing by to answer the call of the one who offers the most. This evil should have been dealt with legislatively years ago.

The other of my bills, simple in itself, merely confers upon the Interstate Commerce Commission jurisdiction over all claims against carriers and authorizes that body to prescribe such rules and regulations governing the filing, investigation, and payment of such claims as it may determine upon. This will insure a uniformity in the treatment of all claims and a vast reduction, if not a complete elimination, of the fraudulent variety, the granting of which is today costing American agriculturalists millions of dollars in added freight rates, rates which are necessarily raised to insure to the railroads a sufficient revenue to make possible the payment of claims which never should have been allowed. This is not a railroad bill. It is essentially a farmer's measure.

In the brief time that has been made available to me it will not be possible to review the long and sordid story of the claims racket, nor even to attempt an approximation of the financial loss to the farmer that the racket necessarily imposes. It will suffice to point out that the damages which the class A railroads have been compelled to pay on the account of loss and damage claims will exceed $18,000,000 in 1937. And the total grows greater with the passing of each year. Since allowed claims for loss and damage must be by the railroads treated as an item in the cost of operation of the line, and since the cost of operation directly influences the rates which shippers must pay, the farmer, one of largest shippers, is directly interested in seeing to it that no false or fraudulent claims are paid. That the bills that I have introduced will do much to minimize the annual loss to the railroads and, at the same time, afford a measure of protection to the railroads against reprisals arising out of the failure to compromise and settle the flimsy claims of large shippers, cannot be successfully controverted.

The railroad claims racket is but one of the gyp games from which the farmer suffers. Racketeering in the perishable-fruit market is as wide and varied as is human ingenuity. It ranges from schemes which are highly artistic, almost poetic, to the crudities of the gutter, plain banditry. There is the intimidation which induces the purchase of insurance policies against risks that do not exist; the menaces which dictate the payment of wages to watchmen, to checkers, counters, and displayers for services which in fact are never performed; the extortion by threats of truck-transportation charges when the perishables are not actually moved at all. Innumerable instances could be cited of racketeers, who without pretense to authority and by resort to methods akin to terrorism have required the payment of that which is nothing less than tribute, all in accordance with schemes of their own devising; tribute exacted under threats of violence, threats sometimes carried into execution, threats to damage or destroy the grower-shipper's produce, or, through the intimidation of prospective purchasers, prevent the sale thereof. And so runs on the sordid story.

It is practices of this kind that I want to put an end to. The bills which I am today offering for the consideration of the members of this body, Mr. Speaker, are but two links in the long chain which we must forge in the legislative furnace before the evils from which we are now suffering are completely eliminated but they represent a worthwhile effort in a righteous cause, and, consequently, deserve support. I hope that they will receive the favorable consideration of the committee members to whom they will be referred and, later, the approving votes of the membership of this honorable body.

CIVIL AERONAUTICS BILL

Mr. LEA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9738) to create a Civil Aeronautics Authority, to provide for the regulation of civil aeronautics, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9738, with Mr. GRISWOLD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. For the information of the House the last time the bill was under consideration section 1 had been read, and is now pending.

Mr. MARTIN of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MARTIN of Colorado: Page 110, line 23, after the word "is", insert the word "directly."

Mr. MARTIN of Colorado. Mr. Chairman, I suggested this amendment to the chairman of the committee and I believe it is acceptable to him. It relates to the definition of airman, which includes mechanics. It was suggested by

mechanics in the craft that the definition of airman might refer—the way the language in the bill reads at present—to some person in remote control; it might refer to someone in charge of inspection, repairs, and so forth, of airplanes, who was perhaps located in an office. They want it tied directly to the job on the ground, and the word "directly" will do that.

While on my feet I may say that they wanted a further amendment to this bill. They wanted any individual who engages in the inspection, maintenance, or overhauling or repair of aircraft to be defined as an airman. Apparently there is some objection to that language, although I am told that language has now been placed in the bill in the Senate. It was my intention to offer that amendment this morning, so that the bill would read:

"Airman" means any individual who engages in or is directly in charge of the inspection or maintenance or overhauling or repairs of aircraft or parachutes or other safety or navigational devices or accessories.

However, in view of the probable controversy that might arise over the insertion of the language "engages"' in repairs, and so forth, because it would include so much personnel, some perhaps temporary, who would have to be licensed or placed under certificates of qualification, I have dropped that out of my amendment, but I am offering the amendment requiring that the person in charge shall be directly in charge of the job on the ground, not some person operating in a supervisory capacity by remote control, somewhere in an office, and thereby excluding the actual mechanic on the job from classification as an airman.

Mr. LEA. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. LEA. Mr. Chairman, the gentleman has correctly stated the situation. As chairman I have no authority to accept this amendment for the committee, but my judgment is that the amendment now offered by the gentleman is a very proper one. I thought it very undesirable to require a certificate of qualification for each mechanic employed in the repair of airplanes or equipment, because the administrative difficulty of qualifying thousands of men frequently to be employed on short notice in the various airports of this country, of which there are over 1,200, would be so great that it would be impractical, but I believe the gentleman's amendment is desirable.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

The Clerk read as follows:

PUBLIC RIGHT OF TRANSIT

SEC. 2. There is hereby recognized and declared to exist in behalf of any citizen of the United States a public right of freedom of transit through the navigable air space of the United States in air commerce.

TITLE II—ORGANIZATION OF AUTHORITY

CREATION OF AUTHORITY

General organization provisions

SEC. 201. (a) An agency is hereby created to be known as the Civil Aeronautics Authority. The Authority shall be composed of three persons to be appointed by the President, by and with the advice and consent of the Senate. The members of the Authority may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. The President shall designate annually one of the members of the Authority as Chairman and one of the members as Vice Chairman who shall act as Chairman in the absence or incapacity of the Chairman. Each member of the Authority shall be a citizen of the United States. The members of the Authority shall be appointed as soon as practicable after the enactment of this act and shall continue in office as designated by the President at the time of nomination for terms of 2, 4, and 6 years, respectively, from the effective date of this section, but their successors shall be appointed for terms of 6 years, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. The members shall be appointed with due regard to their fitness for the efficient dispatch of the duties imposed upon them by this act. Not more than two of the members shall be appointed from the same political party. Two of the members of the Authority shall constitute a quorum thereof.

Administrator

(b) There shall be in the Authority an Administrator who shall be appointed by the President by and with the advice and consent of the Senate.

Salary

(c) Each member of the Authority and the Administrator shall receive a salary at the rate of $10,000 per annum.

Office

(d) The principal office of the Authority shall be in the District of Columbia; but whenever the convenience of the public or of the parties to any hearing or other proceeding pending before the Authority may be promoted, or delay or expense prevented, the Authority may hold such hearings or other proceedings in any part of the United States.

Qualification of members

(e) The members of the Authority and the Administrator shall not have any pecuniary interest, nor own any stock or bonds, in any person engaged in any phase of aeronautics. Each member of the Authority and the Administrator shall devote his entire time to the exercise and performance of his powers and duties under this act.

Official seal

(f) The Authority shall have an official seal which shall be judicially noticed.

Mr. MAPES. Mr. Chairman, I move to strike out the last word. Many of us are opposed to the creation of this new authority. Debate on the bill up to this time has centered very largely on the question of whether a new authority should be created to administer this law or whether the Interstate Commerce Commission should be clothed with authority to do so. Those of us taking the latter position decided to test the sentiment of the House on the question on a motion in the definition section, and we had a vote on that question when the bill was up for consideration before. I am taking this opportunity particularly to say to the Committee that I propose to offer a motion to recommit at the proper time, with instructions to the Committee on Interstate and Foreign Commerce to report the bill back to the House with an amendment substituting the Interstate Commerce Commission as the regulatory body to administer the law in place of the new authority which this section sets up.

We hope to get a better test in the House on that question by a motion to recommit. I make this statement so that no one will be misled by the fact that we are allowing this section to be passed over without a direct motion to strike it out. We assumed that the House expressed itself upon that question in the vote when the bill was up the other day; but we serve notice now that we will make a motion to recommit to test the sentiment of the House again on the question.

Mr. HOLMES. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I yield.

Mr. HOLMES. I understand by the motion to recommit it is the gentleman's purpose to have the Interstate Commerce Commission act in the quasi-judicial capacity outlined in this bill.

Mr. MAPES. Yes.

Mr. HOLMES. And in that case the Department of Commerce through its air-navigation bureau will handle the work of carrying out the administrative features of the bill.

Mr. MAPES. The motion to recommit as I now contemplate making it will be to state the principle in general terms that the authority to administer the act shall be lodged with the Interstate Commerce Commission instead of creating this new authority, and that the committee shall be instructed to revise the bill accordingly.

Mr. LEA. Mr. Chairman, in order to save time, inasmuch as there is no controversy of which I am aware on certain portions of the bill, I ask unanimous consent that the reading of the bill, beginning with section 202 on page 120 and going to title IV on page 127, be dispensed with.

Mr. MAPES. Mr. Chairman, I may say to the gentleman from California that I am not much in accord with that system as far as I individually am concerned. I shall not object to a request to read the bill by section numbers so that the Members may have opportunity to offer amendments to each individual section as we go along, but I do not like to go any further than that.

Mr. LEA. Mr. Chairman, I modify my request and now ask unanimous consent that the bill be read by section numbers from section 202 to section 401 on page 127, but be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

OFFICERS AND EMPLOYEES

SEC. 202. The Authority may appoint, prescribe the duties, and fix the salaries of one secretary for each member of the Authority and the Administrator, a secretary of the Authority, a director, for each division, a chief engineer, a general counsel, and such other officers and employees as are necessary in the exercise and performance of its powers and duties and those of the Administrator. The general counsel and chief engineer shall each receive an annual salary of not to exceed $9,000 and the secretary of the Authority and the director of each division shall each receive an annual salary of not to exceed $7,500. The Authority may, from time to time, without regard to the provisions of the civil-service laws, engage for temporary service such duly qualified consulting aviation engineers or agencies, or other qualified persons, as it finds necessary for the proper aid and service of the Authority, its members, the Administrator, and the director of the safety division in the conduct of their work, and fix the compensation of such engineers, agencies, or persons without regard to the Classification Act of 1923, as amended.

PERSONNEL, PROPERTY, AND APPROPRIATIONS

Personnel and property

SEC. 203. (a) Such personnel and property (including office equipment and official records) as the President shall determine to have been employed by the Secretary of Commerce in the exercise and performance of the powers and duties vested in and imposed upon him by the Air Commerce Act of 1926, as amended (44 Stat. 568; U. S. C., 1934 ed., title 49, sec. 171 et seq.), and by the Secretary of Commerce and the Interstate Commerce Commission in the exercise and performance of the powers and duties vested in and imposed upon them by the Air Mail Act of 1934, approved June 12, 1934, as amended (48 Stat. 933; U. S. C., 1934 ed., Supp. II, title 39, sec. 469 et seq.), are transferred to the Authority upon such date as the President shall specify by Executive order: *Provided*, That the transfer of such personnel shall be without change in classification or compensation, except that this requirement shall not operate after the end of the fiscal year during which such transfer is made to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned: *Provided further*, That such of the personnel so transferred as do not already possess a classified civil-service status shall not acquire such status by reason of such transfer except (1) upon recommendation of the Authority within 1 year after such personnel have been so transferred and certification within such period by the Authority to the Civil Service Commission that such personnel have served with merit for not less than 6 months prior to the transfer, and (2) upon passing such suitable noncompetitive examinations as the Civil Service Commission may prescribe.

Appropriations

(b) Such of the unexpended balances of appropriations available for use by the Secretary of Commerce in the exercise and performance of the powers and duties vested in and imposed upon him by the Air Commerce Act of 1926, as amended, and by the Secretary of Commerce and the Interstate Commerce Commission in the exercise and performance of the powers and duties vested in and imposed upon them by the Air Mail Act of 1934, approved June 12, 1934, as amended, as the President shall deem necessary and specify by Executive order, are transferred to the Authority upon such date as the President shall specify in such Executive order, and shall be available for use in connection with the exercise and performance of the powers and duties vested in and imposed upon the Authority, the Administrator, and the director of the safety division by this act.

EXPENDITURES

General authority

SEC. 204. (a) The Authority is empowered (1) to make such expenditures (including expenditures for rent and personal services at the seat of the government and elsewhere, for travel and per diem or subsistence allowances, for office supplies, lawbooks, periodicals, and books of reference and for printing and binding) as may be necessary for the exercise and performance of the powers and duties vested in and imposed upon the Authority, the Administrator, and the director of the safety division by law and as from time to time may be appropriated for by Congress; (2) to cooperate with such organizations as are related to, or are part of, the civil aeronautics industry or the art of aeronautics in the United States or in any foreign country; (3) to attend meetings and conventions when in the public interest; (4) to make investigations and conduct studies in matters pertaining to aeronautics; and (5) to acquire, operate, and maintain such aircraft, air-navigation facilities, or motor vehicles as are necessary in the exercise and performance of the powers and duties of the Authority, the Administrator, and the director of the safety division: *Provided*, That no aircraft or motor vehicle, purchased under the provisions of this section, shall be used otherwise than for official business. The Authority may include, among expenditures for travel, expenditures for transportation by common carriers between airports and centers of population whether or not such transportation is incidental to travel by aircraft.

Purchase of aircraft

(b) The Authority may acquire, within the limits of appropriations made available by Congress, modern aircraft, completely equipped in such manner that such aircraft can be used in testing and checking every phase of flight operation, and obtain necessary space, facilities, and personnel for the storage, maintenance, and operation of such aircraft; and any such aircraft shall be made available to the Administrator and the director of the safety division as may be necessary in the performance of their duties.

TRAVEL

SEC. 205. Travel by personnel of the United States Government on commercial aircraft, domestic or foreign, including travel between airports and centers of population or posts of duty when incidental to travel on commercial aircraft, shall be allowed at public expense when authorized or approved by competent authority, and transportation requests for such travel may be issued upon such authorizations. Such expense shall be allowed without regard to comparative costs of transportation by aircraft with other modes of transportation.

Mr. WADSWORTH. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee if an amendment was not contemplated to section 205 relating to the travel of postal employees.

Mr. LEA. I understand that was supposed to have been placed in a later provision of the bill. I thank the gentleman for calling attention to it.

Mr. WADSWORTH. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

TITLE III—FOSTERING OF CIVIL AERONAUTICS

FOSTERING OF AIR COMMERCE

SEC. 301. The Administrator is empowered and directed to encourage and foster the development of civil aeronautics and air commerce in the United States and abroad, and to encourage the establishment of civil airways, landing areas, and other air navigation facilities.

CIVIL AIRWAYS AND FACILITIES

General

SEC. 302. (a) The Administrator is empowered to designate and establish civil airways and, within the limits of available appropriations made by the Congress, (a) to establish, operate, and maintain along such airways all necessary air navigation facilities; (b) to chart such airways and arrange for the publication of maps of such airways, utilizing the facilities and assistance of existing agencies of the Government so far as practicable; (c) to establish, operate, and maintain, in whole or in part, air navigation facilities at and upon any municipally owned or other landing area approved for such installation, operation, or maintenance by the Administrator; and (d) to provide necessary facilities and personnel for the regulation and protection of air traffic moving in air commerce. The Administrator is empowered to approve the establishment of such civil airways, not designated or established by the Administrator, as may be required in the interest of the public. No exclusive rights shall be granted for the use of any civil airway, landing area, or other air navigation facility.

Airport survey

(b) The Authority shall, through the Administrator, make a field survey of the existing system of airports and shall present to the Congress not later than February 1, 1939, definite recommendations (1) as to whether the Federal Government should participate in the construction, improvement, development, operation, or maintenance of a national system of airports, and (2) if Federal participation is recommended, the extent to which, and the manner in which, the Federal Government shall so participate.

METEOROLOGICAL SERVICE

SEC. 303. The Administrator is empowered and directed to make recommendations to the Secretary of Agriculture for providing meteorological service necessary for the safe and efficient movement of aircraft in air commerce.

DEVELOPMENT OF FACILITIES

SEC. 304. The Administrator is empowered to undertake or supervise such developmental work and service testing as tends to the creation of improved air navigation facilities, aircraft, aircraft engines, propellers, and appliances. For such purpose, the Administrator is empowered, subject to the approval of the Authority, to make purchases by negotiation or otherwise of experimental aircraft, aircraft engines, propellers, appliances, air navigation facilities, and radio apparatus, which seem, in the opinion of the Administrator, to offer special advantages to aeronautics.

OTHER DUTIES OF ADMINISTRATOR

SEC. 305. The Administrator shall exercise and perform the powers and duties vested in and imposed upon him by this act and such other powers and duties as may be assigned to him by the Authority.

TITLE IV—AIR CARRIER ECONOMIC REGULATION

DECLARATION OF POLICY

SEC. 401. In the exercise and performance of its powers and duties under this act, the Authority shall consider the public interest, and the public convenience and necessity, respectively, to require, among other things—

(a) The encouragement and development of an air transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

(b) The regulation of air transportation in such manner as to recognize and preserve the inherent advantages of, and foster sound economic conditions in, such transportation;

(c) The promotion of adequate, economical, and efficient service by air carriers at reasonable rates, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; and

(d) Competition to the extent necessary to assure the sound development of an air transportation system properly adapted to the needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense.

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Certificate required

SEC. 402. (a) No air carrier shall engage in any air transportation unless there is in force a certificate issued by the Authority empowering such air carrier to engage in such transportation: *Provided*, That if an air carrier is engaged in such transportation on the date of the enactment of this act, such air carrier may continue so to engage between the same terminal and intermediate points for 120 days after said date, and thereafter until such time as the Authority shall pass upon an application for a certificate for such transportation, if within said 120 days, such air carrier files such application as provided herein.

Application for certificate

(b) Application for a certificate shall be made in writing to the Authority, and shall be so verified, shall be in such form and contain such information, and shall be accompanied by such proof of service upon such interested persons as the Authority shall by regulation require.

Notice of application

(c) Upon the filing of any such application, the Authority shall give due notice thereof to the public by posting a notice of such application in the office of the secretary of the Authority and to such other persons as the Authority may by regulation determine. Any interested person may file with the Authority a protest or memorandum of opposition to the issuance of a certificate. Such application shall be set for public hearing, and the Authority shall dispose of such application as speedily as possible.

Issuance of certificate

(d) (1) The Authority shall issue a certificate authorizing the whole or any part of the transportation covered by the application, if it finds that the applicant is fit, willing, and able properly to perform such transportation and to conform to the provisions of this act and the rules, regulations, and requirements of the Authority hereunder, and that such transportation is required by the public convenience and necessity; otherwise such application shall be denied.

(2) In the case of an application for a certificate to engage in temporary air transportation, the Authority may issue a certificate authorizing the whole or any part thereof for such limited periods as may be required by the public convenience and necessity, if it finds that the applicant is fit, willing, and able properly to perform such transportation and to conform to the provisions of this act and the rules, regulations, and requirements of the Authority hereunder.

Existing air carriers

(e) If any applicant shall show that from December 1, 1937, until the effective date of this section, it, or its predecessor in interest, was an air carrier, continuously operating as such (except as to interruptions of service over which the applicant or its predecessor in interest had no control), the Authority, upon proof of such fact only, shall, unless the service rendered by such applicant for such period was inadequate and inefficient, issue a certificate or certificates authorizing such applicant to engage as an air carrier in air transportation with respect to all classes of traffic for which authorization is sought, except mail, between the terminal and intermediate points between which it, or its predecessor, so continuously operated between April 15, 1938, and the effective date of this section, and also authorizing such applicant to transport mail and all other classes of traffic for which authorization is sought between the terminal and intermediate points between which the applicant, or its predecessor, was authorized by the Postmaster General to engage on April 15, 1938, in the transportation of mail.

Terms and conditions of certificate

(f) Each certificate issued under this section shall specify the terminal points and intermediate points, if any, between which the air carrier is authorized to engage in air transportation and the service to be rendered; and there shall be attached to the exercise of the privileges granted by the certificate, or amendment thereto, such reasonable terms, conditions, and limitations as the public interest may require. A certificate issued under this section to engage in foreign air transportation shall, insofar as the operation is to take place without the United States, designate the terminal and intermediate points only insofar as the Authority shall deem practicable, and otherwise shall designate only the general route or routes to be followed. Any air carrier holding a certificate for foreign air transportation shall be authorized to handle and transport mail of countries other than the United States. No term, condition, or limitation of a certificate shall restrict the right of an air carrier to add to or change schedules, equipment, accommodations, and facilities for performing the authorized transportation and service as the development of the business and the demands of the public shall require. No air carrier shall be deemed to have violated any term, condition, or limitation of its certificate by landing or taking off during an emergency at a point not named in its certificate or by operating in an emergency, under regulations which may be prescribed by the Authority, between terminal and intermediate points other than those specified in its certificate. Any air carrier may make charter trips or perform any other special service, without regard to the points named in its certificate, under regulations prescribed by the Authority.

Requirement as to carriage of mail

(g) Whenever so authorized by its certificate, any air carrier shall provide necessary and adequate facilities and service for the transportation of mail, and it shall transport mail whenever required by the Postmaster General; and such air carrier shall be entitled to receive compensation therefor as hereinafter provided.

Certain rights not conferred by certificate

(h) No certificate shall confer any proprietary, property, or exclusive right in the use of any air space, civil airway, or air navigation facility.

Effective date and duration of certificate

(i) Each certificate shall be effective from the date specified therein, and shall continue in effect until suspended or revoked as hereinafter provided, or until the Authority shall certify that operation thereunder has ceased, or, if issued for a limited period of time under subsection (d) (2) of this section, shall continue in effect until the expiration thereof, unless prior to the date of expiration such certificate shall be suspended or revoked as provided herein or the Authority shall certify that operations thereunder have ceased: *Provided*, That if any service authorized by a certificate is not inaugurated within such period, not less than 90 days after the date of the authorization as shall be fixed by the Authority, or if, for a period of 90 days or such other period as may be designated by the Authority, any such service is not operated, the Authority may by order, entered after notice and hearing, direct that such certificate shall thereupon cease to be effective to the extent of such service.

Approval of abandonment

(j) No air carrier shall abandon any route, or part thereof, for which a certificate has been issued by the Authority, unless, upon the application of such air carrier, after notice and hearing, the Authority shall find such abandonment to be in the public interest. Any interested person may file with the Authority a protest or memorandum of opposition to any such abandonment. The Authority may, by regulations or otherwise, authorize such temporary suspension of service as may be in the public interest.

Authority to modify, suspend, or revoke

(k) The Authority, upon petition or complaint or upon its own initiative, after notice and hearing, may alter, amend, modify, or suspend any such certificate, in whole or in part, if the public convenience and necessity so require, or may revoke any such certificate, in whole or in part, for intentional failure to comply with any provision of this act or any order, rule, or regulation issued hereunder or any term, condition, or limitation of such certificate: *Provided*, That no such certificate shall be revoked unless the holder thereof fails to comply, within a reasonable time to be fixed by the Authority, with an order of the Authority commanding obedience to the provision, or to the order (other than an order issued in accordance with this proviso), rule, regulation, term, condition, or limitation found by the Authority to have been violated. Any interested person may file with the Authority a protest or memorandum of opposition to the alteration, amendment, modification, suspension, or revocation of a certificate.

Transfer of certificate

(l) No certificate may be transferred unless such transfer is approved by the Authority as being consistent with the public interest.

Maximum mail load

(m) The Authority may fix the maximum mail load for any schedule or for any aircraft or any type of aircraft, but no order under this subsection shall relieve any air carrier of its responsibility to furnish facilities for the transportation of, and to transport, mail in excess of the maximum load whenever required by the Postmaster General.

Compliance with labor legislation

(n) (1) Every air carrier shall maintain rates of compensation, maximum hours, and other working conditions and relations of

all of its pilots and copilots who are engaged in interstate air transportation within the continental United States (not including Alaska) so as to conform with decision No. 83 made by the National Labor Board on May 10, 1934, notwithstanding any limitation therein as to the period of its effectiveness.

(2) Every air carrier shall maintain rates of compensation for all of its pilots and copilots who are engaged in overseas or foreign air transportation or air transportation wholly within a territory or possession of the United States, the minimum of which shall be not less, upon an annual basis, than the compensation required to be paid under said decision 83 for comparable service to pilots and copilots engaged in interstate air transportation within the continental United States (not including Alaska).

(3) Nothing herein contained shall be construed as restricting the right of any such pilots or copilots, or other employees, of any such air carrier to obtain by collective bargaining higher rates of compensation or more favorable working conditions or relations.

(4) It shall be a further condition upon the holding of a certificate by any air carrier that such carrier shall comply with title II of the Railway Labor Act, as amended.

(5) The term "pilot" as used in this paragraph shall mean an employee who is responsible for the manipulation of or who manipulates the flight controls of an aircraft while under way, including take-off and landing of such aircraft, and the term "copilot" as used in this paragraph shall mean an employee any part of whose duty is to assist or relieve the pilot in such manipulation, and who is properly qualified to serve as such pilot or copilot and is licensed as such by the Authority.

Exemptions

(o) The Authority, from time to time and to the extent necessary, may exempt from the requirements of this title or any provision thereof, or any rule, regulation, term, condition, or limitation prescribed thereunder, any air carrier or class of air carriers, if it finds that, due to the limited character of the operations of such air carrier or class of air carriers, the enforcement of this title or such provision, or such rule, regulation, term, condition, or limitation, is or would be such an undue burden on such air carrier or class of air carriers as adversely to affect the public interest by obstructing the development of such air carrier or class of air carriers: *Provided*, That nothing in this subsection shall be deemed to authorize the Authority to exempt any air carrier or class of air carriers from any requirement of this title or any provision thereof, or any rule, regulation, term, condition, or limitation prescribed thereunder, which provides for maximum flying hours for pilots or copilots.

Mr. MEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEAD: On page 131, line 5, strike out, after the word "section", the remainder of the subsection and insert in lieu thereof a colon and the following new sentences:

"*Provided*, That nothing in this act contained shall affect or impair the power or jurisdiction of the Postmaster General to advertise and let air-mail contracts provided for in the act of Congress making appropriation for the Treasury Department and the Post Office Department, approved March 28, 1938, namely, for air-mail service (1) from Wichita, Kans., to Pueblo, Colo., via intermediate cities; (2) from Bismarck, N. Dak., to Minot, N. Dak.; (3) from Detroit, Mich., to Sault Ste. Marie, Mich., via intermediate cities; (4) from Brownsville, Tex., via Corpus Christi, to Houston to San Antonio, Tex.; (5) from Phoenix, Ariz., to Las Vegas, Nev., via intermediate cities; (6) from Jacksonville, Fla., to New Orleans, La., via intermediate cities; (7) from Tampa, Fla., to Memphis, Tenn., via intermediate cities, and from Tampa, Fla., to Atlanta, Ga., via intermediate cities (which projects have been or shall be advertised); and (8) by extension from Yakima, Wash., to Portland, Oreg.; and (9) by extension from Grand Rapids, Mich., to Chicago, Ill.;

"And said contracts and extensions shall be let by the Postmaster General for said new services, and persons obtaining said contracts and extensions shall be treated in all respects as concerns already established and in operation. The Authority shall issue a certificate or certificates, upon evidence of adequate and efficient service, to applicants who are operating in the transportation of mail under contracts with the Postmaster General, and likewise to applicants who have been or shall be awarded the new contracts and extensions hereinabove in this subsection referred to. Such certificates shall authorize such applicants to transport mail and other classes of traffic for which authorization is sought between the terminal and intermediate points covered by such contracts or extensions as the case may be."

Mr. MEAD. Mr. Chairman, this amendment strikes from the bill the so-called "grandfather clause." It permits the Post Office Department to advertise for bids on certain lines set forth in the amendment. These extensions were presented to the Appropriations Committee for their approval when the appropriation bill was before the House committee. The Senate has amended its bill by eliminating the "grandfather clause" from the Senate bill.

Mr. LEA. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. LEA. Is it not a little more accurate to say, rather than that they struck out the "grandfather" clause, that they moved up the effective date of the act so that it will take care of contracts already granted to air carriers?

Mr. MEAD. That is a more accurate statement. I referred to the elimination of the "grandfather" clause because my amendment has become popularly associated with that phrase.

Mr. NICHOLS. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Is this the same amendment that the gentleman considered offering at the time this bill was up before?

Mr. MEAD. There have been some changes in the amendment. It was thought proper to designate the lines that were indicated by the post office representatives when they appeared before the Appropriations Committee.

Mr. NICHOLS. Does this conform pretty closely to the provision in the Senate bill?

Mr. MEAD. In my judgment, the Senate committee's amendment will authorize the same procedure, but the language in the Senate provision is rather general. This amendment is more specific.

Mr. LEA. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from California.

Mr. LEA. I have a letter from Senator FRAZIER in which he has called attention to what he states to be the fact that the Senate bill inadvertently omitted the line from Bismarck, N. Dak., to Minot, N. Dak. Is that included in the gentleman's amendment?

Mr. MEAD. Yes; the line from Bismarck, N. Dak., to Minot, N. Dak., is included in my amendment.

Mr. Chairman, as I said a moment ago, this amendment affects the grandfather clause contained in the bill and permits the Post Office Department to carry forward the expansion of the Air Mail Service as it was authorized to do when the appropriation for the Post Office Department was before the House. If we adopt this amendment, it will do exactly what the Senate has already done; that is, eliminate this restrictive feature from the bill.

It occurs to me that the authorized extension of the service already passed upon by the Congress ought to be permitted by any legislation which follows in the wake of such an authorization. In other words, new legislation should not come quickly after an approved authorization and nullify such authorization. In view of the fact that we have already authorized this service and the Senate has adopted an amendment of this character, I ask the committee to agree to the amendment which I have proposed.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. We recognize that as a matter of policy there might well be placed some time limit after which authorization could not be made or contracts entered into; but may I remind the committee that some of these proposals have been under consideration for more than a year.

Mr. MEAD. Yes; some of them for a number of years. They have been surveyed and approved by the postal authorities.

Mr. MURDOCK of Arizona. Appropriations have been made for them?

Mr. MEAD. Yes; that is correct.

Mr. RANDOLPH. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. I agree with the objective of the gentleman's amendment, but I am much concerned with two other parts of the grandfather clause as it is stated in the pending measure. Would the gentleman kindly give to me and to the Committee his opinion as to the date of December 1, which exists in the pending bill, page 130, line 17, for existing carriers, and also page 131, lines 4 and 5, which states April 15, 1938. The reason I ask the question is to bring to the gentleman's attention the fact that I have in mind now a commercial air-transport line which began operation on

May 9 of this year. Understand, that company is now handling traffic from the standpoint of passengers and express, but has no air-mail contract. How would that company fare under the gentleman's amendment?

Mr. MEAD. It is my opinion that that company will in no way be associated with the amendment which I have offered. The amendment I have offered pertains to services already surveyed by the Department; services already authorized by the Congress. There will be added air-mail services. The service the gentleman has in mind is an already established passenger and express service. It has not received the approval of the Post Office Department and therefore is not an air-mail service. That particular service will, no doubt, be permitted to apply for a certificate of convenience and necessity. It will not be precluded from applying for such a certificate. There is authority in the bill for the new aviation commission to pass on the merits of that particular case.

My amendment opens the door that has been closed to approved air-mail services. We are in no way affecting the status of the air line mentioned by the gentleman from West Virginia. In other words, it will have an opportunity to present its case to the commission.

Mr. HOUSTON. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Kansas.

Mr. HOUSTON. I believe on May 3 the Department advertised for bids for the proposed Wichita-Pueblo air-mail route, these bids to be opened on the 10th. Due to a technical flaw the bids were all thrown out. They were readvertised again. Under the gentleman's amendment that line will not be affected at all?

Mr. MEAD. Under my amendment the Wichita, Kans., to Pueblo, Colo., line is protected.

Mr. HOUSTON. That is what I want to be sure about.

Mr. MEAD. The gentleman may be sure about it. Before I complete my statement I want to make it clear that the Department is not asking for this amendment.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I think perhaps I should attempt to explain the situation from the standpoint of the committee as I understand it. This bill was framed with the idea in mind of those who engaged in interstate commerce and on the basis of certificates of convenience and necessity. When the bill was originally prepared it had what was known as the "grandfather" clause, which applied to those who were operating on the 1st day of December 1937. Time went on, and the enactment of this bill was delayed. At the present time air lines acquire the right to operate through contracts let by the Post Office Department after bids, the contract going to the lowest bidder. A great deal of criticism of that method resulted, partly because the lines would bid a ridiculously low price in order to buy the line, in effect.

There was an injustice in the system, because it prevented the little fellow, who was not able to run at a loss for a considerable period of time, to bid successfully. The committee had no desire to prevent any bona fide operator who is operating when this bill goes into effect from securing the right to continue. However, with an apprehension that some of these bidders might acquire rights that were not warranted, we refrained from moving up the "grandfather" clause to the date of the enactment of the bill.

Representatives of the Post Office Department now advise me that they have in contemplation the letting of only a few more contracts, all of which have been carefully planned.

In other words, today we have bona fide operators in prospect in every case before us, leaving in controversy for the future only the line in which the Braniff Co. is interested. There was a gentleman who, as I understood, expected to be here this afternoon to offer an amendment that would endorse all contracts up to date, but the amendment by the gentleman from New York will give the benefit of the "grandfather" clause to all of these operators up to the date the bill goes into effect.

I take it the committee does not regard this as fundamental to the bill. We are practically assured of bona fide operators as the sole beneficiaries of this change. Some time ago the committee had under consideration this same problem, and it adopted the viewpoint that operators who had acquired their right to operate in a method authorized by law deserved the recognition the bill gives. Consequently, we have no particular objection as a committee, as I view it, with respect to the amendment now pending before the committee; in fact, I think it is accurate to say that we have always contemplated moving up the date before this bill was finally enacted into law in order to take in all bona fide operators.

Mr. MAVERICK. Mr. Chairman, for some time there has been a controversy over an air line of the Braniff Airlines, which comes down through the central part of the country, also the Eastern Airlines, which comes down through the southern part of the United States.

If I correctly understand this bill, its purpose is to do away with the present system and to create a single civil aeronautics authority. The purpose is excellent. But if we have amendments added to the bill and have a great many exceptions in it, it will result in ineffectiveness of the bill.

The controversy in which I am involved is that we have a service from the city of Corpus Christi to Brownsville, Tex., and now, under this provision, offers of bids could be made for Brownsville to Houston, and there would be duplicating service between Brownsville and Corpus Christi. In other words, two large air lines would cover two certain points. Apparently it is the intention of the Post Office Department to continue the violation of the very purpose of this act.

I have received a letter from the Second Assistant Postmaster General, which I will read; and I think it is very important because it involves the word of a representative of a department of the United States Government and whether or not his word is good. This letter was written to about 20 or 30 Congressmen, and it reads as follows:

> MY DEAR CONGRESSMAN: The plan of the Post Office Department to advertise for bids for a proposed new air-mail route from San Antonio to Houston, Tex., and from Houston to Brownsville, Tex., via Corpus Christi, Tex., has raised such a controversy with Congressmen and others being divided in their opinion as to whether such a route should be advertised that the Department has decided to abandon its plans for such a route.

What is it they are seeking to do with this amendment? They are seeking a law which violates the promise the Post Office Department gave me and various other Members of Congress. I have had relations with constables, but I have never had the word given me by any official, either State or National, violated right out flat, as Mr. Branch has done.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from Georgia.

Mr. RAMSPECK. Is it not true that all the Post Office Department said to the gentleman is that they would delay the advertisement of the Brownsville-Houston route temporarily?

Mr. MAVERICK. No. They did not say that nor anything like it. They make the statement here that the plans for such a route are "abandoned," and Mr. Harllee Branch told me it was abandoned and that he was not going to do it, and he gave me his word. Now he says he did not do that, but his written word shows that he did. You do not have to take my word or Mr. Branch's word for it, you can take this letter, which states "abandoned." It does not state "stop temporarily," it states "abandon" the route. Now he seeks to come in here with an amendment which makes it so that he can violate his word expressed in writing. Such actions in departments are not proper.

Mr. RAMSPECK. Has not the Post Office Department notified the gentleman and others interested within the last 2 or 3 weeks that they were going to proceed to let this contract?

Mr. MAVERICK. No. Let me tell you about Mr. Harllee Branch, from Atlanta, Ga. Mr. Harllee Branch told me it was going to be abandoned and he has never told me he is going to advertise for bids. He has gone around the back door and has told other people but he has not told me. In other words, as far as I am concerned, this word he has given is still binding on the Post Office Department.

[Here the gavel fell.]

Mr. MAVERICK. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. WEST. I object, Mr. Chairman.

Mr. BOREN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to say, in connection with what the gentleman from Texas [Mr. MAVERICK] has just said, that if this particular line were advertised the Government would then be subsidizing two lines over the same route. There are other instances similar to this and there should be a safeguard to prevent it.

I am going to offer an amendment in lieu of the amendment offered by the gentleman from New York bringing the "grandfather" clause down to date. If there is any reason to offer this amendment on account of anything that has transpired between the date set out in our act and today, then I am willing to bring it down to date, but I want to see a safeguard put in, effective as of today, to keep the Post Office Department from going through the back door, as the gentleman from Texas [Mr. MAVERICK] has said, to do some things that ought not to be done.

In addition to this, I may say that the Treasury-Post Office appropriation bill did not set out any funds for any specific routes. I hope the gentleman from Indiana [Mr. LUDLOW] will take time during this discussion to make a few remarks along that line.

Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. BOREN. I yield.

Mr. MAVERICK. Is it not a fact that if this amendment is passed the Post Office Department will have authority to subsidize two routes over exactly the same route? Isn't that exactly what they are asking for, and does it not involve a violation of the word of Mr. Harllee Branch in writing?

Mr. BOREN. I think the gentleman is entirely correct in both of his statements.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. BOREN. I yield.

Mr. MEAD. So far as the Post Office Department's subsidizing any line is concerned, that arrangement is out of it, because when we pass this bill we eliminate the subsidy, so far as the Post Office is concerned, to lines of this character; in other words, we are establishing a brand-new law, so let us not bring in the Post Office subsidy.

Mr. MAVERICK. I want to say to the gentleman that we are bringing in a brand new law here with exceptions which vitiate the intent of the law to be enacted.

Mr. MEAD. Oh, no.

Mr. MAVERICK. You do! You have two lines going exactly the same way, traveling between exactly the same points, and you cannot deny that. It is duplication, double cost. In other words, it would be the same thing as if a man would come before the Congress and ask that we build two modern major highways right side by side when there was absolutely no necessity for it. There is exactly the same principle involved.

Mr. MEAD. I know full well the gentleman has a little individual controversy with several other gentlemen from Texas——

Mr. MAVERICK. Sure, you can see that by one of my colleagues objecting to my finishing my speech a moment ago. What of it? This is the place to settle controversies—but this is more than a Texas fight. It involves duplication of service and several other questions.

Mr. MEAD. And the gentleman is anxious for the House to settle his trouble rather than leave it to the Department.

Mr. MAVERICK. Which is no sin; Congress is supposed to legislate. What we are doing, if we adopt the gentleman's amendment, is to adopt a "bill of exceptions."

Mr. MEAD. We want to leave it to the Department, Mr. MAVERICK, and I think if we write a bill it should be entirely new, and not include exceptions for perpetuating some of the evils of the present system.

Mr. BOREN. Mr. Chairman, I must decline to yield further on this question.

Mr. Chairman, I simply wish to add that either the gentleman from West Virginia [Mr. RANDOLPH] or myself will offer an amendment which will bring the "grandfather" clause down to date. If there is anything that has not been done or any special interest that ought to be considered, they can go before this fair and impartial body under this new law and present their case. Anything that has already been done we are going to put our stamp of approval upon if this amendment is adopted. I hope the Committee will see fit to adopt the amendment I shall offer and defeat the amendment the gentleman from New York offers, which would give them loopholes for future action which might not be advantageous to the aviation industry.

Mr. COCHRAN. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, let me tell you just exactly what you are doing if you adopt this amendment. You are earmarking the appropriation that was included in the Treasury-Post Office bill of this year, which this House and the Senate refused to do when that bill was under consideration.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. MEAD. For the RECORD, we have already earmarked the appropriation that was passed this year and specifically authorized the extensions contained in my amendment. We are not earmarking now.

Mr. COCHRAN. I must take issue with the gentleman. I have before me the conference report which was agreed to, and if the gentleman will refer to amendment No. 22 of the appropriation bill he will find this language:

> The additional amount over the House bill allowed by the conference agreement, $850,000, is included for additional routes and increased frequencies on existing routes, and the managers on the part of both Houses have agreed that this additional sum of $850,000 is to be allocated by the Post Office Department without reference to any specific earmarking or particular services which may have been indicated collaterally in connection with the passage and the discussion of the appropriation.

That is the conference report that we agreed to.

My distinguished friend from New York [Mr. MEAD] chairman of the Committee on the Post Office and Post Roads, can well see by this language it was inserted to show the Department beyond any question that it was not the intent of Congress to earmark the appropriation. This same question was at issue at the time and it is my understanding the Department did not want its hands tied by any specific legislation that would say just how the money should be spent. Certainly my friend is too shrewd a legislator to want to put this amendment in the bill, if, as he maintains, the appropriation has already been earmarked.

Before the Senate committee an attempt was made to insert the language, but that failed; but the conferees brought in this report, which this House and the Senate agreed to because of the fact it was made to appear in the hearings the Department should establish certain routes. If we adopt this amendment we are doing just exactly what we refused to do when the appropriation bill was before the House, and that cannot be disputed.

The gentleman from Indiana [Mr. LUDLOW] is the chairman of the committee that handled that appropriation bill. He is here, and I ask the gentleman from Indiana now whether or not I am right.

Mr. LUDLOW. Will the gentleman yield me time to explain the proposition, or shall I do it in my own right?

Mr. LAMNECK. Let the gentleman do it in his own right.

Mr. COCHRAN. Mr. Chairman, just give me an answer to the question. Am I right or wrong?

Mr. LUDLOW. The gentleman is absolutely right.

Mr. COCHRAN. Mr. Chairman, the gentleman is the chairman of the House subcommittee, and was chairman of the House conferees. He states that I am absolutely right; that this is an effort to again try to earmark that appropriation, and it was not earmarked in the appropriation bill.

The people in my section of the country are not in favor of such earmarking.

Let the Department come to an agreement after a fair investigation and hearings, considering the question of necessity, and let the Department decide where this money is to be spent, and not let us tie the hands of the Post Office Department in this matter.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. RANDOLPH. Out in the gentleman's own city there is an operator who began operations on May 9. Does he not think that line should be considered instead of from December 1 or April 15?

Mr. COCHRAN. Of course, that line runs east through and to the gentleman's home city. We are also interested in western lines. What I desire to do is to let the Post Office Department handle this question. I feel if we will permit them to handle it without interference, we will improve the air mail facilities of the country. If you have a route that merits consideration are you not willing to submit your argument to the Department? I will take my chances by submitting my case to the Post Office Department. You should be willing to do likewise. I seek no advantage, and it is my opinion others should seek no advantage.

Mr. RANDOLPH. This line is not today carrying mail, just passengers, since May 9 and I am sure the gentleman wants to protect it.

Mr. COCHRAN. I want to protect any line in existence, and if it is necessary for that line to carry the mail, I want it to get business, but I do not want any line, simply because it is in existence to get any subsidy or air-mail pay from the Post Office Department.

Mr. Chairman, my city, St. Louis, is one of the leading cities of the country when it comes to using air mail. No city has done more to further the service, nor none will do more. Right now we are interested in a direct line to Denver and should have one. Just think of it; at the present time not less than two changes are required, and in some instances three changes. If we can get a direct line from Kansas City to Denver it will be a paying line, due not only to the tremendous air-mail business, but passenger business. The Wichita to Pueblo line, mentioned in the gentleman's amendment, is not and will not be satisfactory. There are long lay-overs at transfer points which means delay. This will be eliminated by the establishment of a Kansas City-Denver line.

The amendment certainly should be eliminated, as it has no place in this bill. I hope it will be voted down.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BOREN. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from New York [Mr. MEAD]. The substitute amendment is on the desk, but it should be modified in the manner I have indicated.

The CHAIRMAN. The Clerk will report the substitute amendment offered by the gentleman from Oklahoma as modified.

The Clerk read as follows:

Amendment offered by Mr. BOREN as a substitute to the amendment offered by Mr. MEAD: On page 131, line 10, strike out "April 15" and insert in lieu thereof "May 17."

On page 131, line 11, insert after the period the following new sentence:

"If any applicant shall show that he is the holder of a contract with the Postmaster General for which advertisement was made within 30 days prior to May 17, 1938, authorizing him to transport mail, the Authority shall, upon proof of ability to perform adequate and efficient service, issue a certificate or certificates authorizing such applicant to transport mail and all other classes of traffic for which authorization is sought between the terminal and intermediate points covered by such contract."

On page 130, in lines 17 and 18, strike out the date "December 1, 1937", and insert "May 17, 1938."

Mr. BOREN. Mr. Chairman, this amendment takes care of everything that has been authorized, advertised, or contracted for down to today.

Mr. KLEBERG. Mr. Chairman, will the gentleman yield?

Mr. BOREN. Yes.

Mr. KLEBERG. But it does not take care of the service between Houston and San Antonio and the Houston to Brownsville, via Corpus Christi, route. The amendment carefully excludes those.

Mr. BOREN. It excludes anything that has not been advertised before now.

Mr. KLEBERG. Does it not exclude those?

Mr. BOREN. It excludes them from being advertised.

Mr. KLEBERG. That is right, and is that not the gentleman's primary interest in this fight? Will the gentleman answer that on the floor of the House?

Mr. BOREN. I will answer that. That is not my primary interest.

Mr. KLEBERG. It is one of them, then?

Mr. BOREN. That is one of the factors. Anything that can be done after this date I do not think should be done without going before this fair and impartial body that we are going to set up in this bill.

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. BOREN. I yield.

Mr. MAGNUSON. Is it not a fact that the only objection the gentleman has to the Mead amendment is an objection to the line down in Texas?

Mr. BOREN. That is not true. I object to having the matter opened up for anything that the Post Office Department might see fit to do between now and the day this act goes into effect.

Mr. MAGNUSON. They have only so much money.

Mr. BOREN. There has been no money definitely given to anybody. I decline to yield further on this point, Mr. Chairman.

Mr. MAVERICK. Does not the gentleman also object to it on the basis that it actually gives duplicate service and that the people will be paying for double service between two points?

Mr. BOREN. That is true on that particular line, but I am not basing my objection on that ground alone.

Mr. MAVERICK. That is one reason.

Mr. BOREN. Mr. Chairman, I may state again that this amendment simply puts the stamp of approval on everything done up to today, but locks the door against any injudicious action from today on.

I ask unanimous consent that during the balance of my time the amendment be carefully reread so that everybody will understand that it takes care of everything that has been advertised and authorized or contracted for. It takes care of all these lines the Members are interested in on which any action whatsoever has been taken.

The CHAIRMAN. Without objection, the Clerk will read the amendment.

The Clerk again read the Boren amendment.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LUDLOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is with considerable regret that I take the floor in opposition to the amendment offered by the

gentleman from New York [Mr. MEAD], because he is such an excellent friend of the Postal Service, and especially of the Air Mail Service. I hold great deference for his opinion; but I believe had he been familiar with the developments of the conference between the House and the Senate on the Post Office-Treasury appropriation bill he would not have offered this amendment which, as I construe it, by indirection, does exactly what the Senate and the House conferees decided would not be done; that is to say, it earmarks the funds appropriated for domestic air mail. It was agreed between the House and Senate conferees on that bill that this would not be done. It would be hardly fair to the Senate and to the Senate conferees for the House now to do what we conferees who represented the House so strenuously objected to being done when it was attempted by the Senate conferees.

With your indulgence, I would like to tell you something about the history of that legislation in conference. I was the chairman of the House conferees on the bill. The Senate added a very vast sum for domestic air mail without in the bill undertaking to earmark the expenditures, but the Senate committee's report on appropriations did seek to indicate how these funds should be expended by definite earmarking. I have not had time, being engaged otherwise, to compare their proposed earmarking with the earmarking in the amendment of the gentleman from New York, but I assume it is the same. Members of the House from vastly different sections of the country came to us after the Senate had passed the bill and said to us that it would be manifestly unfair to earmark these funds the way the Senators indicated they wanted to; that it would freeze out all of the House Members who had air-mail projects and wanted to be heard. So we went into the conference, representing the House, determined that that should not take place. We served notice on the Senate conferees that we would sit with them until next Christmas if necessary rather than allow the Senate to put funds in the bill and then indicate how those funds were to be spent to the exclusion of Members of the House. We obtained a final conference report, and it was agreed between the House and Senate conferees that all of the tentative earmarking in the Senate committee's report would be thrown out of the window; that in lieu of that the conferees would report to their respective Houses this language:

> The additional amount over the House bill allowed by the conference agreement, $850,000, is included for additional routes and increased frequency on existing routes, and the managers on the part of both Houses have agreed that this additional sum of $850,000 is to be allocated by the Post Office Department without reference to any specific earmarking or particular services which may have been indicated collaterally in connection with the passage and discussion of the appropriation.

Having reached this agreement and understanding on both sides that this matter would be left wide open for the allocation and administrative authority of the Post Office Department to exercise its discretion so that every Member of the House having a project and every Member of the Senate might go down there and make his case through that determining authority, I do not think the House should now adopt an amendment which will specifically earmark these funds. I have no part in any controversy over particular routes. I hold no brief for any route. I am only anxious that all Members of the House shall have their opportunity to present their projects without finding the door closed.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN (Mr. LANHAM). The Chair may say that debate has been limited to 30 minutes, 5 minutes of which have been consumed. The Chair is under the necessity of allotting 25 minutes to eight different Members.

Mr. BOREN. Mr. Chairman, I ask unanimous consent that the gentleman may be given 3 additional minutes because the case he is presenting here showing this earmarking would exclude all the other unnamed routes is very, very important.

The CHAIRMAN. Does the gentleman ask unanimous consent that the 3 minutes be in addition to the 25 minutes remaining?

Mr. BOREN. No; that is to be taken out of the 25 minutes remaining.

Mr. KLEBERG. Mr. Chairman, I object.

The CHAIRMAN. There are eight Members who desire recognition within the 25 minutes remaining, the gentleman from Georgia [Mr. RAMSPECK], the gentleman from Texas [Mr. KLEBERG], the gentleman from Washington [Mr. MAGNUSON], the gentleman from Texas [Mr. THOMAS], the gentleman from Michigan [Mr. LUECKE], the gentleman from Texas [Mr. MAVERICK], the gentleman from Arizona [Mr. MURDOCK], and the gentleman from California [Mr. LEA]. The Chair will recognize those gentlemen in that order.

Mr. BOREN. Mr. Chairman, I amend my request and ask unanimous consent that the gentleman may have 2 minutes, this to be in addition to the time already allotted.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. KLEBERG. Mr. Chairman, I object.

Mr. LUDLOW. Mr. Chairman, I have no part in the controversy over any particular routes. I am not against any of these routes, but I hope the amendments will be voted down.

The CHAIRMAN. The Chair is under the necessity of allotting eight Members the 25 minutes remaining, which can only be done by giving 3 minutes each to the gentlemen who are to speak and the 4 remaining minutes to the chairman of the Committee on Interstate and Foreign Commerce [Mr. LEA].

Mr. RAMSPECK. Mr. Chairman, I raise the point of order that the gentleman from Texas [Mr. MAVERICK] has already spoken 5 minutes on this amendment. I do not think we ought to be cut down to give him another chance.

Mr. MAVERICK. I was treated so politely I want to finish up.

Mr. RAMSPECK. I did not object.

The CHAIRMAN. Of course, if the gentleman has spoken once and moves to strike out the last word he would be in order in making such motion.

The Chair would like to have some understanding in order to avoid confusion with reference to the recognition of the various Members.

The Chair is advised that the gentleman from Texas [Mr. MAVERICK] has not spoken on this amendment.

Mr. MAVERICK. I have not spoken on the substitute.

The CHAIRMAN. He would be entitled, therefore, to recognition.

Mr. MAVERICK. Mr. Chairman, I ask unanimous consent that the time be extended 5 minutes so that it may be equitably apportioned.

Mr. KLEBERG. Mr. Chairman, I amend that and ask unanimous consent that the time be extended 5 minutes to permit the gentleman from Indiana [Mr. LUDLOW] to conclude his remarks. The reason I objected, as the gentleman well knows, was merely to have a square deal which we would not get otherwise.

The CHAIRMAN. The gentleman from Texas [Mr. KLEBERG] asks unanimous consent that the time be extended 7 minutes, 2 minutes of which may be allotted to the gentleman from Indiana [Mr. LUDLOW]. Is there objection?

There was no objection.

The CHAIRMAN. Before recognizing the gentleman from Indiana, the Chair may say that this will leave 30 minutes remaining in which to recognize eight Members. It is not quite an even distribution of time among the eight.

Mr. BOILEAU. I ask unanimous consent that the eight speakers, in addition to the gentleman from Indiana, may each have 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. TABER. Will the gentleman yield for a question?

Mr. LEA. Mr. Chairman, may I hear the unanimous-consent request?

The CHAIRMAN. The unanimous-consent request was that each of the Members whose names have been read may have 5 minutes each after the gentleman from Indiana [Mr. LUDLOW] has consumed 2 minutes.

Mr. LEA. Mr. Chairman, I understand the gentleman from New York will probably offer an amendment which will cut out the particular feature to which the gentleman is objecting and should therefore reduce the necessity of this limitation, or make it unnecessary to have so much debate on this question.

Mr. MEAD. Mr. Chairman, I ask unanimous consent to substitute this amendment for the one I have at the desk.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BOREN. Mr. Chairman, reserving the right to object, I think we had better understand the issue here. I think the question should be as between the two amendments offered.

The CHAIRMAN. The gentleman from New York [Mr. MEAD] asks unanimous consent that he may offer the amendment to which he has referred in lieu of the original amendment offered by him. Is there objection?

Mr. BOILEAU. Mr. Chairman, reserving the right to object, as I understand it, there is a unanimous-consent request now pending. As I understand it, the gentleman from California reserved the right to object. Has my unanimous-consent request been granted?

The CHAIRMAN. The Chair may say that no reservation was made to the request of the gentleman from Wisconsin and that request was agreed to by the Committee.

Mr. BOILEAU. I thought so, Mr. Chairman; but several Members have been getting the floor under a reservation of the right to object.

The CHAIRMAN. The gentleman from New York asks unanimous consent to offer in lieu of the amendment he originally offered one containing the verbiage which he now proposes. Is there objection?

Mr. TABER. Reserving the right to object, we ought to have reported what the gentleman proposes before we pass on whether we shall object or not.

Mr. MEAD. The amendment just deletes naming the extension.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. MEAD as a substitute for the amendment originally offered: On page 131, in line 5, after the word "section", strike out the remainder of the subsection and insert in lieu thereof a period and the following sentence:

"The Authority shall issue a certificate or certificates upon evidence of adequate and efficient service to applicants who operate in the transportation of mail under contracts with the Postmaster General and likewise to applicants whose bids on contracts for the transportation of mail by aircraft based upon advertisements issued between April 1, 1938, and the effective date of this section shall have been accepted by the Postmaster General, authorizing such applicants to transport mail and all other classes of traffic for which authorization is sought between the terminals and intermediate points covered by such contracts or such advertisements, as the case may be."

The CHAIRMAN. The request of the gentleman from New York is to the effect that the amendment originally offered by him be withdrawn, that this be substituted in its place, and that the substitute amendment offered by the gentleman from Oklahoma be considered as pending to the amendment just read for information.

Is there objection to the request of the gentleman from New York?

Mr. BOREN. Reserving the right to object, Mr. Chairman, I should like to state this is a restatement of the proposition that leaves the gate open for further action prior to the time the authority is set up.

Mr. MAGNUSON. Mr. Chairman, I think the gentleman is out of order.

The CHAIRMAN. The gentleman has reserved the right to object to the unanimous-consent request.

Mr. BOREN. I now have to object, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma objects.

The gentleman from Indiana is recognized for 2 minutes.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. LUDLOW. I yield to the gentleman from New York.

Mr. TABER. Is it not a fact that all that set-up and earmarking of routes was not in the Treasury-Post Office appropriation bill, as is represented by this amendment?

Mr. LUDLOW. It is not included in the bill. It was thrown out in conference.

As I stated before, I yield much deference to the gentleman from New York because of his great postal experience, and I do not believe he understood the situation when he offered this amendment. It is offered as if this earmarking were a part of the Treasury-Post Office bill at the present time. That is not true. It was thrown out. We refused to include it in the Post Office-Treasury appropriation bill.

As I said before, I have no brief for any route, and I am not for or against any of these routes, and I have the most friendly feeling for all concerned, but I take it we do not want by our actions here today to freeze this contract air-mail appropriation in favor of these particular routes. We want the door left open so every Member of this House who has a project can go before the administrative authorities of the Post Office Department, present his project and have it considered on its merits, and have it be considered without prejudice for a part of this blanket-sum appropriation that has been offered for the extension of air mail. I believe in good faith to the Senate, which agreed to throw out all earmarking, and in good faith to Members of the House who have not been heard, we should not undertake to earmark these funds and particularly we should not undertake to freeze this appropriation in favor of certain routes so that many Members of this House who may have projects of their own or have projects offered to them by constituents would have no opportunity to present them.

Mr. Chairman, I think the amendment of the gentleman from New York should be withdrawn or should be voted down.

[Here the gavel fell.]

The CHAIRMAN. The Chair will state that the names before the Chair for recognition are as follows, and without objection the gentlemen will be recognized in this order for 5 minutes each: Mr. RAMSPECK of Georgia, Mr. KLEBERG of Texas, Mr. MAGNUSON of Washington, Mr. THOMAS of Texas, Mr. LUECKE of Michigan, Mr. MAVERICK of Texas, Mr. MURDOCK of Arizona, and Mr. LEA of California.

The Chair recognizes the gentleman from Georgia for 5 minutes.

Mr. RAMSPECK. Mr. Chairman, the situation in reference to this matter briefly is this: It is true the Post Office appropriation bill did not earmark any particular routes, but since the passage of that bill the Department has selected the routes to be contracted for and, with the exception of one or two cases, has actually advertised for bids on these routes. One of the exceptions is the route from Houston, Tex., to Brownsville, and this is the basis of the opposition of the gentleman from Oklahoma [Mr. BOREN] and the gentleman from Texas [Mr. MAVERICK].

Mr. BOREN. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. No; I am sorry. I have but 5 minutes, and the gentleman has time of his own.

The truth about it is that more than a year ago, according to my information, the Department considered the letting of a contract from Houston to Brownsville, Tex. The Braniff people wanted an extension of an existing route which the Department held it could not give them. They got up a controversy about it and temporarily the idea of extending that route was abandoned. Since then this bill has been under consideration by the House. The Braniff Airways has instituted a service from Houston to Brownsville with the idea of getting preemption on that route. The

Department has decided to advertise for bids on that route for open competitive bidding, and the Braniff people are trying to block it. This is the truth about it.

The gentleman from Texas [Mr. MAVERICK] referred to my friend and constituent, Harllee Branch, the Second Assistant Postmaster General. I want to say to this Committee that there is no finer or more conscientious public servant in the employ of the United States Government than Harllee Branch. [Applause.] No one could convince me that Mr. Branch has failed to keep his word. He is not responsible for the controversy that exists here today, and all that the Post Office Department wants to do is to be able to carry out the promises it has made to the people who are interested, and that is to start air service on the routes named in the amendment of the gentleman from New York. They have decided on them; they have promised the Appropriations Committee of the Senate that they would institute them, and they have let contracts on some of them, have advertised on others, and they are preparing advertisements on the rest of them where it is necessary to advertise instead of to extend.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman.

Mr. BOILEAU. I am asking this only for information. I understand that if we defeat the Mead amendment the Department will have full authority to make allocations wherever they see fit to carry out their viewpoint.

Mr. RAMSPECK. They will until the effective date of this new law, which is 60 days after the passage of it.

The reason for this fight is that oftentimes there is some delay in completing the installation of a new route. They have to advertise for 20 days, they sometimes have some errors that the lawyers find, and they have to readvertise, and it is feared that the time limit of 60 days may expire before they complete the letting of the contracts which are named in the amendment of the gentleman from New York and which the Post Office Department, after the passage of the appropriation bill, has determined are the routes to be put in effect.

Mr. BOILEAU. If what the gentleman from Indiana states is accurate, it seems to me that if there is no earmarking whatever, they can go ahead and carry out this program.

Mr. RAMSPECK. They can until the effective date of this act.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman.

Mr. MEAD. The statement made by the gentleman from Indiana that any Member here can go down there and get an air line is not exactly in conformity with the facts. It takes a long time to survey and establish an air line.

Mr. RAMSPECK. That is correct.

Mr. MEAD. And the lines mentioned in the amendment have been under consideration for several years.

Mr. RAMSPECK. That is right.

Mr. MEAD. And the idea of throwing out to the Members of the House the fact they might walk right down there, if we beat this amendment, and get an air line into their back yard is not in accordance with the record. We are only authorizing the Post Office Department to do what the authorities of the Post Office Department told the Appropriations Commitee they would do if they gave them the money, and this information is on page 47 of the supplemental hearing of the House.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I am sorry I cannot yield now.

The gentleman from New York is correct. The Post Office Department asked for this money for these specific routes. They are obligated to put them into effect and the only purpose of the Mead amendment, which I hope the Committee will adopt, is to enable the Post Office Department to keep its word to the Congress which appropriated the money.

[Here the gavel fell.]

Mr. KLEBERG. Mr. Chairman, my interest in this particular amendment has to do with the continuation of what we have considered a sound policy for years and what I have always considered a sound policy—the requirement of competitive bids for services and goods put out for the Government of the United States and for its people.

Into this controversy has been injected a situation which has as its primary objective the setting up of a monopoly, if that is possible, of one air line which operates between my home city of Corpus Christi and Brownsville and through the home city of the gentleman from Texas [Mr. MAVERICK], San Antonio.

My contention in this matter is not in favor of either the Braniff, the Eastern, or any other line that might want to go into that territory and serve it under funds allocated by the Committee on Appropriations for extension of mail routes and mail services.

The interesting part of this whole argument has been the statement of my distinguished friend that there would be two lines competing in a small area and over practically the same route between, for instance, the city which I have the honor of representing and which he is trying to represent now, Corpus Christi, and the city of Brownsville, represented by my friend the gentleman from Texas [Mr. WEST]. The gentleman from Texas [Mr. MAVERICK] is overlooking the fact the whole country is replete with evidence of parallel lines by rail and by air, and he is overlooking the manifest importance of saving money to the Government of the United States by utilizing all established facilities upon reaching a terminal.

Mr. TRANSUE. Mr. Chairman, will the gentleman yield?

Mr. KLEBERG. I cannot yield, I have not the time. The interesting part of this whole picture comes because of the angle on which those who oppose Mr. MEAD's amendment approach this question. As a matter of fact, there are 16 States vitally affected by the adoption or rejection of Mr. MEAD's amendment, services already established and services agreed to be at least let by competitive bids, and to be established, under authorizations in 1937, under authorizations in March 1938, twice ratified by the Congress of the United States, and these are to be set aside by the argument that we are trying to earmark something, that we are trying to spend money by paralleling lines, that we are trying to give lines to big companies, because they will make small bids under the terms of the bids, and then will come in and ask for more money under the Interstate Commerce Commission. The very line fighting here today for the rejection of the amendment offered by Mr. MEAD is guilty of every one of those practices which are permitted by law. Its record in the past will prove that. I do not have the time to go into it at the present time, but when you go into the picture, I hold that the Post Office Department heretofore operating and conducting the air-mail services of the United States allocated mileage and the moneys appropriated by the Congress, and should continue to do so up to the time when these already established commitments by both the Congress and the Department are carried out. I see no earthly reason for an effort to set aside the Mead amendment that aims only to do justice for services established and services for which we have bids let or already approved by the various departments. The gentleman from Texas [Mr. MAVERICK] read a letter a while ago. Some time ago he sent a telegram to a man who happens to be my friend, who is the President of the Eastern Air Line. He sent a telegram to Eddie Rickenbacker with reference to getting into the city of San Antonio, asking the Eastern Air Lines to come to that city, and with permission of the House I shall insert that telegram in the RECORD, without reading it. The purpose of calling attention to the telegram is to show that at that time Mr. MAVERICK was interested in having the Eastern Lines come into San Antonio.

WASHINGTON, D. C., *July 15, 1937.*

Capt. EDDIE RICKENBACKER,

President, Eastern Air Lines:

Have been discussing matter of air-mail and passenger service between Houston and San Antonio with Post Office Department. Understand your existing contracts can be extended without necessity of calling for bids. Wish to urge that Eastern Air Lines make

application to Post Office Department for such extension. San Antonio and Houston residents determined to have this service, and I would rather see first-class company like Eastern come into San Antonio than have second-rate independent secure contract with resultant inefficiency and poor service. Shall deeply appreciate your favorable consideration and advice.

MAURY MAVERICK,
Member of Congress.

Mr. MAVERICK. I am very glad to have the gentleman put that in the RECORD. I do not remember the details, but it is O. K. I have nothing against any air line.

Mr. KLEBERG. I offered no objection to his request that Eastern Air Lines go to San Antonio. Mr. Chairman, I ask unanimous consent to insert this in the RECORD.

The CHAIRMAN. That will have to be done in the House.

Mr. MAGNUSON. Mr. Chairman, I shall try to be brief and give the House some information regarding this controversy that probably some of you are not interested in. Let me say to the gentleman from Wisconsin [Mr. BOILEAU], who got the impression from the gentleman from Indiana [Mr. LUDLOW], that if the Mead amendment were defeated, the matter would be wide open to everybody to go down and establish air lines. That is not correct.

Mr. LUDLOW. Certainly the whole purpose of the conference report was to leave the distribution of this fund entirely to the Post Office Department. Anybody can go down there and present his case.

Mr. MAGNUSON. That is true.

Mr. LUDLOW. And the fact is that quite a number besides those in favor of the Mead amendment have already presented their case and they are pending.

Mr. MAGNUSON. That is true; and here is the situation. The conference report does leave it open, but here are lines in a different category, for example, the Post Office Department has advertised for bids in my State and let the contract, and they are flying the line now. The purpose of the Mead amendment is to strike out the words which say that any line that has been put into effect such as this line in my State, since April 15, will have to go back and go through the work again and go through the whole thing. That is what we are trying to correct. I do not care if these gentlemen from Texas have a fight, but the fact is that here is a line from Kansas City to Colorado; a line from Bismarck, N. Dak., to Minot; from Detroit to Sault Ste. Marie; from Phoenix, Ariz., to Nevada; from Jacksonville, Fla., to New Orleans; from Tampa to Memphis; from Yakima, Wash., to Portland, Oreg.

We do not want to be penalized by the fight that these people in Texas are having. If the Mead amendment is not adopted, or a similar amendment, then the line, say, from Yakima, Wash., to Portland, Oreg., will have to go back down here and go through the whole thing all over again. This is not earmarking funds. The Post Office Department has already proceeded in an orderly and legal way. It is protecting what has been done.

Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. MAGNUSON. No. We have been working on this thing for a year and a half, and we finally got the money. This is not earmarking anything. The Committee on Appropriations gave this money to the Post Office Department and they took the money and they said these are the lines we want to establish. This was done just recently, since April 15 in most cases, and all this does is to set out in specific language the lines we want to protect. The Post Office Department has gone ahead as we told them to go ahead. This amendment was adopted by the Senate unanimously day before yesterday.

This grandfather clause, therefore, is a retroactive provision which says to the Post Office Department in effect: You have gone ahead as we told you to, you have let the contracts, you have the money; but now we say to you that because we are passing a new aviation-authority bill that what you have done is not right. That type of legislation is not right to begin with. It is a reflection upon the Post Office Department. I do not want to have my line in Washington jeopardized because two gentlemen from Texas are having a fight about a line between Houston and Brownsville and want a clause in the bill undoing what has legally and rightly been done. I hope you will understand this. There are other lines. The gentleman from Arizona is interested, the gentlemen from Michigan are interested. Others mentioned have an interest in this and should not be penalized because of this private fight down in Texas.

The Mead amendment takes care of these other lines. If the people from Texas want to have a fight about the line from Brownsville to Houston they had better strike out that section 4 or try to strike it out, someone said. That is all there is to this and I hope the House will understand it thoroughly. I intend to vote for the bill because I think the bill is a fine one, but I do not think they should go off on a tangent on this controversy and jeopardize legitimate actions of the Department on other lines. If there is something wrong with that particular bid that should be a separate investigation.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. MAGNUSON. I yield.

Mr. MEAD. Even if this proviso is left in the bill every company will have an opportunity to come down here on it. We are not throwing out any company. We are giving everybody the same treatment.

Mr. MAGNUSON. Let me say just one thing further. The line from Houston to Brownsville has not been let. It is just assumed here that they will advertise for bids. That is up to the Post Office Department. If there is some irregularity in the letting of that contract there should be an investigation; but I do not want to be penalized in Washington, the gentleman from Arizona does not want to be penalized, nor the gentleman from Florida, or the other gentlemen whose districts are affected. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. THOMAS] for 5 minutes.

Mr. THOMAS of Texas. Mr. Chairman, let me say that I agree wholeheartedly with my colleague, the gentleman from Washington [Mr. MAGNUSON]. It is not fair to the other gentlemen of the House who are interested in this matter that they be penalized because six Members from Texas, of which I am one, are more or less mixed up in a little backyard fight.

Mr. HENDRICKS. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Texas. Not at this time. If I can later I shall be glad to answer any question the gentleman from Florida may wish to ask.

Let me briefly outline the facts as I understand them. First, this particular amendment so far as Texas is concerned covers only three Members, Mr. WEST, Mr. KLEBERG, and myself—Houston, Brownsville, and Corpus Christi. One of the main gateways to the Republic of Mexico and to South and Central America is Brownsville, Mr. WEST's district. Most of that mail comes into Brownsville.

There is a fight between two air lines, to be perfectly frank about it, trying to get all of the Central American and Mexican business; that is, Braniff and Eastern. Eastern already comes down the Atlantic seaboard from New York into my town, Houston. Now they want to go into Brownsville to get that Mexican and Central American mail. Braniff has a contract with the Post Office Department already going from Mr. KLEBERG's district down to Brownsville.

It has been said that if Eastern should underbid Braniff it would create a duplicate system. All we want to do is to give everybody an opportunity to compete fair and square. But Mr. Braniff does not want to bid. Why? Because he has a maximum contract now, he cannot get a dime more; and if he bids with Eastern he stands to take a loss in his revenue because he cannot bid any higher; he is getting now as much as the law will permit him to get. As to the duplication of service, let us be perfectly frank about it. Mr. Chairman, there is not going to be any duplicate line. Why? Because there is not enough business to justify two lines.

There is a contract already in existence between Braniff and the Post Office Department to carry the mail from Corpus Christi to Brownsville, but it is an indetermine contract and can be surrendered at the option of either party. Mr. Braniff knows that if he does not get that contract all the way through the Post Office Department is not going to have a duplicate system. The Department has too much sense to do a thing like that, for it would lose too much money. What it would do would be to say that it was going to terminate the Braniff contract. That is the long and the short of it.

My friend from San Antonio is getting a little excited over Mr. Harllee Branch. All of the Members of the House who have dealt with Mr. Branch know there is not a finer man in the Post Office Department; there is not a man more courteous nor more generous to all of us. [Applause.]

I venture the assertion the gentleman from Texas [Mr. MAVERICK] has misunderstood him, and if he will go over there and see Mr. Branch he will get what he wants.

Mr. MAVERICK. Will the gentleman yield?

Mr. THOMAS of Texas. I yield to the gentleman.

Mr. MAVERICK. The gentleman said there would not be duplicating service and stated also there was not enough mail for the two services. Does the gentleman mean one of those companies is going to be run out of business and that will be Mr. Braniff?

Mr. THOMAS of Texas. If Mr. Braniff will not bid, why should the Government give him a premium?

Mr. MAVERICK. Because he has got a service already between Brownsville and Corpus Christi.

Mr. THOMAS of Texas. Why penalize my town?

Mr. MAVERICK. Your town is going to get it anyway.

Mr. THOMAS of Texas. We want the through service from Mexico City to New York.

Mr. MAVERICK. And you want to take it away from me.

Mr. THOMAS of Texas. No; you are 185 miles out of the way.

Mr. LAMNECK. Will the gentleman yield?

Mr. THOMAS of Texas. I yield to the gentleman from Ohio.

Mr. LAMNECK. I have been trying to understand this question. To me it seems to resolve itself around the proposition that Braniff is trying to get a contract without bidding for it.

Mr. THOMAS of Texas. That is it exactly.

Mr. MAVERICK. That is not so.

Mr. POAGE. Will the gentleman yield?

Mr. THOMAS of Texas. I yield to the gentleman from Texas.

Mr. POAGE. Is it not a fact Mr. Braniff, and everyone who supports the Braniff contention, has agreed if they had just that from Corpus Christi to Houston, that is all they want?

Mr. THOMAS of Texas. Yes; but that is dodging the issue. Nobody wants that business alone. They want the Mexico City business, and that is what the fight is over.

[Here the gavel fell.]

Mr. LUECKE of Michigan. Mr. Chairman, the way I read the Mead amendment, it is not earmaking any funds, although it states in the amendment just what lines are to be protected; yet I cannot see by any stretch of the imagination why it is called earmarking because all this amendment proposes to do is to protect work done by the Post Office Department which will be thrown into the wastebasket if the Mead amendment is not agreed to. As soon as this bill is enacted into law all work done on these proposed lines is out, if the Mead amendment is not agreed to.

Mr. MAVERICK. No, no. This gives them a limit.

Mr. LUECKE of Michigan. Here is what it takes to set up an air-mail line. It requires all the way from 90 days to 6 months, and sometimes 9 months. After the bids have been advertised for, it takes 30 days from the time the bids have been received until they are opened. There are 30 days gone. After that has been completed it takes another 30 days for the Treasury Department to go out and make a survey of the facilities. There are another 60 days. By the time it gets down to the Department again and goes through various channels, receiving the O. K.'s of the different departments, another 30 days go by. There are 90 days gone.

This bill will go into effect before that time if it is enacted and passed, and all the Mead amendment does is to protect these bids which have already been accepted. I cannot see how that can be called earmarking, because here is this volume of work which the Post Office Department up to this time has completed. This amendment simply says, "Let us complete that job."

Mr. Chairman, I have a selfish interest in this amendment perhaps. A line has been proposed from Detroit to the Soo. I know we cannot have air-mail service into northern Michigan unless the Post Office Department establishes air-mail service into that territory.

A statement was made on the floor only a moment ago that no air-mail line should be established that must be subsidized. If we follow that argument and adhere to it, there would be very little air-mail or air-line expansion in the United States at the present time.

If the Post Office Department loses any power in the matter of pioneering, it will mean a great loss to the country, because the Post Office Department in the way of pioneer work in all lines of transportation has led the way. Although this bill may have merit, yet there is some doubt as to just how far the air authority will go in establishing these particular lines. The Post Office Department and those Members who have lines proposed at this time are fearful that the work which has been done up to date on the proposed lines will be junked. That is all the amendment does.

Because of a controversy going on in another part of the country, I do not think that should jeopardize all work heretofore undertaken on numerous new lines in the country.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I ask unanimous consent that the Mead substitute may be considered by the House in lieu of his original proposed amendment. It is in better form and eliminates the objection that has been made here. If agreed to, it would accomplish the same purpose as his original amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. RAMSPECK. Mr. Chairman, may we have the amendment read again?

The CHAIRMAN. The Clerk will report the amendment for the information of the House.

The Clerk read as follows:

Amendment proposed by Mr. MEAD: On page 131, line 5, strike out after the word "section" the remainder of the subsection and insert in lieu thereof a period and the following sentence:

"The Authority shall issue a certificate or certificates, upon evidence of adequate and efficient service, to applicants who are operating in the transportation of mail under contracts with the Postmaster General, and likewise to applicants whose bids on contracts for the transportation of mail by aircraft, based upon advertisements issued between April 1, 1938, and the effective date of this section, shall have been accepted by the Postmaster General, authorizing such applicants to transport mail and all other classes of traffic for which authorization is sought between the terminals and intermediate points covered by such contracts or such advertisements, as the case may be."

The CHAIRMAN. Is there objection to the request?

Mr. KLEBERG. Reserving the right to object, Mr. Chairman, I could not hear plainly that portion of the amendment which set the date with reference to the bids having been accepted.

The CHAIRMAN. Without objection, the Clerk will report that part of the amendment.

There was no objection.

The Clerk read as follows:

Issued between April 1, 1938, and the effective date of this section.

Mr. KLEBERG. Do you mean contracts being let or bids being advertised?

The Clerk read as follows:

Based upon advertisements issued between April 1, 1938, and the effective date of this section.

Mr. LEA. The effective date would be 60 days after Congress enacts this bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. KLEBERG. I object.

Mr. MAVERICK. Mr. Chairman, this has been represented as completely a Texas controversy. In a way, it is a Texas controversy, because it particularly affects a certain portion of Texas, and, of course, we might say that some of us are prejudiced.

The gentleman from Texas [Mr. KLEBERG] read a private telegram of mine—my private correspondence—which I sent to Mr. Eddie Rickenbacker. If he is in possession of my private telegrams and correspondence, apparently given to him by Mr. Eddie Rickenbacker, it at least shows he is friendly to Eddie Rickenbacker.

Mr. KLEBERG. I admit it, and to Tom Braniff, too.

Mr. MAVERICK. I am friendly to both of them, too. In other words, we have proved we are friendly to both of these parties, we have demonstrated that we like both of them, so that is not relevant to the controversy.

But let us look at this thing from this viewpoint: We are told by the gentleman from Houston [Mr. THOMAS] that it means they will get better service into Houston and those places along there, but what does it mean? It means that if we pass this earmarking amendment, we are going to legislate the Braniff lines out of existence and build up a great monopoly in the Eastern Air Lines. That is what it means.

Mr. KLEBERG. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. Just very briefly.

Mr. KLEBERG. Does it not mean, on the contrary, if you want to take that slant, that you are asking that the Braniff lines be permitted to continue their present monopoly?

Mr. MAVERICK. All the lines are really monopolies; but in this case it means that the Eastern Air Lines will predominate. In my opinion, they will knock out the Braniff Lines practically altogether and probably weaken the service for another part of the United States.

Mr. Chairman, this does not interest the Congress of the United States so far as any particular thing about Texas or any given portion of the United States is concerned. What then does this amendment mean to the whole country?

It means we are saying we are going to pass a law but that we do not mean it in reference to large portions of the United States. This does not merely protect vested rights, as all vested rights are already protected, but this gives additional vested rights to certain monopolies and gives them an unlimited time not to follow this law which we are enacting. When the gentleman from New York [Mr. MEAD] offered his amendment which would give them ample time, no, they objected to that because they want unlimited time to build up the exceptions they have in this amendment.

What are we trying to do? We are trying to pass a civil aeronautics bill. We are trying to pass a bill that is fair to everybody, so there will not be any scandals or any discrimination among these companies. But if we vote for this amendment, we are voting for a bill and then saying we do not mean it, we are going to have all of these exceptions, and there are a tremendous number of exceptions in the bill. It would be like that old minimum-wage bill we had; we excepted everything from nut crackers to engine wipers and until we had no bill at all. If we want to pass an honest piece of legislation it ought not to be filled with exceptions of all kinds.

I just want to bring out this point now. They talk about Mr. Harllee Branch. I suppose he is all right, but he gave me a written promise. It is not my word against his, it is a written promise, and that ought to be considered. I think if you will consider this from a fair viewpoint you will not put any exceptions in the bill and you will go ahead and pass the bill as it is and the way it was written.

Mr. THOMASON of Texas. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from Texas.

Mr. TOMASON of Texas. What effect, if any, direct or indirect, does either of these amendments have on those of us who live on the American Airlines?

Mr. MAVERICK. I do not know. You tell me.

Mr. THOMASON of Texas. I am asking you.

Mr. MAVERICK. I do not know. That is a complicated question. But I believe it will hurt the western air travel because of a general tendency to divert traffic elsewhere.

All I can say is that if you vote for this amendment, you are voting to have duplicating lines. The gentleman from Houston said you would not have duplicating lines, because there was not enough business for two lines. Mind you, one of the gentlemen said, "Why, we have duplicating lines over the country." Of course, between Washington and New York, but you do not have duplicating lines between a rather small city, like Corpus Christi and Brownsville. You do not do that. Hence the idea here is to run the Braniff Lines out of business.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from Florida.

Mr. GREEN. Does this bill have any purpose except to give a monopoly and prevent competition?

Mr. MAVERICK. That question refers to the merits of the bill and I do not want to argue the merits of the bill.

I say, if we are going to pass this bill, let us pass the bill and knock out the exceptions.

[Here the gavel fell.]

Mr. MURDOCK of Arizona. Mr. Chairman, my impression of the men of Texas, gained from pleasant association with the men of Texas who have gone into Arizona, is that when Texans get into a fight I prefer to view it from a distance, preferably through a field glass; but I do want to say I have an additional reason for keeping out of this. My friend from Washington made it pretty evident that some of the rest of us are not involved in this fight in Texas. I do not know very much about this Texas proposition, but I do not want a quarrel between men of Texas to wreck what has been done in other parts of the country. I am selfish in this respect.

Something has been said here about Mr. Harllee Branch. I also have a high regard for him. I may say it took me about an hour last year to argue him from one viewpoint to another in regard to the air-line development needed in the far West. He certainly has the whole picture and need in mind. This was long before any money was appropriated for new air lines. Now, I find mentioned in the Mead amendment an air line from Phoenix, Ariz., to Las Vegas, Nev. We need this new link. It connects two great transcontinental air lines, which I was enabled, by a lot of argument, to make the Second Assistant Postmaster General see the need of about as now proposed. The money has subsequently been appropriated for it, and I am trying at this time to see to it that the work thus far done is not delayed or abolished.

I listened with interest to the gentleman from Indiana [Mr. LUDLOW]. I agree with his judgment mostly, but I cannot see how the passage of the Mead amendment would be earmarking funds in such a way as to break faith. I think my friend from Michigan made that quite clear. The Post Office Department has already recognized certain projects, such as the one I have mentioned connecting two great transcontinental lines over Arizona. It is not earmarking funds if we say in this new bill we are passing that they shall be established and maintained.

I want to call attention to the fact that the Post Office Department, years and years ago and all during subsequent decades, has been engaged in pioneering—pioneering in the days when they let mail contracts to carry overland mail by stagecoaches or by pony express, pioneering in rail carriage or rural free delivery, and now pioneering in air-mail contracts. So I beg the Committee to adopt the Mead amendment and safeguard those that have been considered for the past year or year and a half and now appropriated for. Let us maintain them as they have been thus far established on careful study.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Arizona. I yield.

Mr. POAGE. Is it not a fact that just about 6 weeks ago Mr. Branch wrote a letter and said he was not going to advertise this Houston extension he is now talking about, and it is not one of those that has been under contemplation for a year and a half?

Mr. MURDOCK of Arizona. I cannot answer, because I do not know the Texas situation.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Arizona. I yield.

Mr. MEAD. I want to say to the gentleman I also took the matter of postponing the Texas feud up with Mr. Harllee Branch and he agreed to put it off for a time, but he never agreed, so far as I know, to put it off permanently, and I really believe when he submitted the list of extensions, which can be found on page 45 of the hearings, and listed that particular line, objection should have been made to it at that time. I took my list from the list that Harllee Branch put in the hearings before the Appropriations Committee.

Mr. THOMASON of Texas. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Arizona. I yield.

Mr. THOMASON of Texas. The gentleman and I are neighbors out in the great Southwest and, as I understand it, we are being well served at present by the American Airlines. I want to know from the gentleman, in view of the careful study he has given these two amendments, what effect, if any, either of these amendments would have on our situation either in El Paso or Phoenix as now handled by the American Airlines?

Mr. MURDOCK of Arizona. I am unable to answer that question with full confidence. I hope neither amendment will affect adversely our existing east-west air lines. I want the greatest possible amount of air service in the West. I agree with my friend from El Paso that we have splendid quality of air service. We have not enough now and I want to see more of it, especially in a north-south direction.

Mr. THOMASON of Texas. I agree with the gentleman about that.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Arizona. I yield.

Mr. POAGE. Would not the gentleman be willing to let Texas alone and exempt us from this bill?

Mr. MURDOCK of Arizona. I would be glad enough to have the Texas situation eliminated from consideration in this bill. Perhaps an amendment to the Mead amendment would do it.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I feel that one or the other of these amendments should be adopted. The lines that have gained a legitimate right through the Post Office Department up to this date, in my judgment, are certainly entitled to the approval of the House. As to the controversy with respect to the remaining line which as yet is unadvertised, you have heard that discussed today. The committee has not authorized me to take any attitude on the matter, so we submit it to the House.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Oklahoma [Mr. BOREN].

Mr. MEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MEAD. Mr. Chairman, did I understand the Chair to state that this is a vote on the Mead amendment?

The CHAIRMAN. The question is on the substitute offered by the gentleman from Oklahoma [Mr. BOREN].

Mr. SNELL. Mr. Chairman, a parliamentary inquiry. I do not believe the Committee really understands what it is voting on now. May I ask to have the question stated again?

The CHAIRMAN. The question is on the substitute offered by the gentleman from Oklahoma [Mr. BOREN] for the amendment offered by the gentleman from New York [Mr. MEAD].

The question was taken, and the substitute amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from New York [Mr. MEAD].

The question was taken, and the amendment was agreed to.

Mr. RANDOLPH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. RANDOLPH: Page 130, strike out in lines 17 and 18 "December 1, 1937" and substitute therefor "May 15, 1938", and strike out lines 4 and 5, on page 131, "April 15, 1937" and substitute therefor "May 15, 1938."

Mr. RANDOLPH. Mr. Chairman, the amendment which has just been agreed to as proposed by the gentleman from New York [Mr. MEAD], the distinguished chairman of the Committee on the Post Office and Post Roads, begins on page 131, after the word "section", in line 5. The amendment which I offer and which has been read by the Clerk simply goes to the matter of a change of date from December 1 to May 15, as found on page 130, line 17, and on page 131, from April 15 to May 15. The reason I offer this is not to bring about any controversy. I simply have in mind the protection of the smaller air carriers; and in this connection I am thinking of one line that makes connection with a line that serves my home town and district, which has been operating only as of May 9, 1938. Understand it clearly, this line to date has no mail contract whatsoever, but since May 9, licensed by the Bureau of Air Commerce of the United States, it has been engaging in express and passenger service and desires to be treated on a fair basis. I have nothing more to say, except that I trust the chairman of the committee will agree to this change of date.

Mr. LEA. Mr. Chairman, I have no authority to consent to this amendment for the committee, but I can say that in my judgment this is entirely consistent with what the committee has done this morning, and it takes care of a very meritorious feeder line.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The amendment was agreed to.

Mr. CROSSER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CROSSER: Page 131, line 13, strike out all after the comma and insert:

"That there shall be no exemptions from paragraph (n), section 402 of this title, for carriers engaged in scheduled air transportation, or in the transportation of mail by aircraft."

Mr. CROSSER. Mr. Chairman, the amendment which I have just offered is to the law establishing minimum labor standards as it exists today in regard to all the lines of air-transportation companies authorized to carry mail whether or not mail may be carried on all of the lines of such companies. At present what is known as decision 83 is part of the law of the United States. That decision provides that pilots shall not be required to fly more than 85 hours per month and also provides a rule for minimum wages of pilots and copilots.

This amendment which I have offered would establish these minimum standards of labor for all scheduled air lines as well as for all lines carrying mail. On April 15 last a bill fixing these standards for lines carrying air mail was signed by the President. That law provides that decision 83 shall be the law in regard to all air-mail carriers. The amendment which I have offered would establish the same minimum labor standards for pilots and copilots employed on all scheduled lines. Practically every company operating a scheduled line now operates some lines carrying air mail, so that, as a matter of fact, these labor standards which I am urging are already binding upon many of the air carriers. If there is any class of workmen in the United States who are entitled to every possible protection that the Congress can provide, surely it is the class of men who risk their lives

from morning till night, day after day, throughout the year, in the business of flying.

Decision 83 provides that pilots and copilots shall not fly more than 85 hours in any one month. That is mainly to assure safety by preventing tired-out men from piloting airships. They try to tell us that decision 83 would assure all of the pilots $700 or $800 a month compensation. That is not true. As a matter of fact, the average pay of first-class pilots in the United States is from $550 to $600 per month. That is the average pay today even under this decision of the national board.

Mr. FULLER. Decision No. 83.

Mr. CROSSER. Yes; the gentleman is right.

Half of the air pilots are copilots, and the maximum pay of a copilot today is $225 a month, his minimum being $190. Will anyone say that this compensation is unreasonable for service in this very dangerous business? Shall we lower the working standards of air pilots in order to enable what are loosely called feeder lines to increase their profits? Nobody can define what a feeder line is. The bill as reported would settle nothing definitely. It fails to set out a law stating anything about minimum compensation. The bill does not legislate as to minimum wages but says that a commission or board may exempt from the effect of decision 83 any line it chooses.

Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CROSSER. Mr. Chairman, the committee's bill says that the authority may, if it finds that due to "the limited character of operations" of a company the enforcement of the labor standards contained in decision 83 "would be an undue burden" on such company—the commission may waive the requirements in regard to labor standards. Can you tell me what is meant by "limited character of operations"? Certainly not. What to one person's mind seems "limited" does not seem limited to another.

To adopt the language which I have just quoted from the bill would be to authorize the commission to do whatever it likes in regard to labor standards. That would be the authority to make laws, and the Constitution says that Congress is to make the laws, and so Congress cannot transfer that authority to a commission.

Mr. SADOWSKI. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. I yield.

Mr. SADOWSKI. What will be the effect of the gentleman's amendment on the copilots, not on the pilots?

Mr. CROSSER. The copilots will not be affected in any way.

Mr. SADOWSKI. The gentleman's amendment does not change their status. They draw their $190 to $225 monthly today. This does not change that at all.

Mr. O'CONNELL of Montana. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. I yield.

Mr. O'CONNELL of Montana. It is true, however, that if the gentleman's amendment prevails it will guarantee the copilots the wages they now receive.

Mr. CROSSER. It will absolutely guarantee them the wages they now are guaranteed; and if anybody here has the audacity to say that that is too much for men who do such dangerous work let us know who he is. Certainly that is not unreasonable pay for such extremely hazardous and dangerous work. The average chief pilot today under this decision receives from $550 to $600 a month. Is there a man here who will rise and say that this is too much to pay to secure the most competent pilots so that aviation may be made as safe as possible? Mr. Chairman, this amendment ought to be carried by a unanimous vote. Let no one be fooled by any talk about "freezing the service," as they say when they mean to infer that there would be no variation in pay. There is a variation in the rates of pay for day and night flying, and there is what is called retainer pay. This is all provided for in decision 83. The rates of pay are flexible and variable and are not one fixed rate as the opponents of the amendment suggest.

Mr. Chairman, the Washington Herald of May 7 urged editorially that we make flying safe and adopt the amendment urged by the Air Pilots Association and by the American Federation of Labor. They are urging editorially that this be done.

I submit, Mr. Chairman, the least that we can do is to continue the reasonable, fair, labor standards that are now the law by virtue of decision No. 83, which has been incorporated into the statutes of the United States. Let us not take a backward step. Rather let us go forward instead.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I regard this amendment as very important, and I regard it as a serious menace to the future of aviation. Let us understand in the first place what is involved here. The committee is not trying to take one dime from the air-line pilots, it is not trying to add 1 minute to their hours of flying. In 1934 the Labor Board rendered a decision fixing the wages and hours of air pilots. Following that, Congress passed an air-mail act which made this decision permanent law. This bill continues that with the exception referred to by the gentleman from Ohio [Mr. CROSSER]. Thus we have permanent law.

The wages provided by that decision amount to approximately $350 to $800 a month ordinarily; but the amount that any given pilot receives depends upon the length of time he has served, the speed his plane travels, and whether or not the flying is by day or night. The minimum compensation is a little over $4 an hour and runs up to as much as $9 an hour at the present time, depending upon speed and other circumstances. The pilot has a base pay of $1,600 to $3,000 a month regardless of the time he may fly.

The exemption we propose is not to take a cent from these men but to give the aeronautics authority the right to make an exemption where, on account of the limited character of the particular operation, these rates of pay might work an undue burden on a small line. That is all there is to it.

Mr. CROSSER. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from Ohio.

Mr. CROSSER. Does the gentleman think we ought to take the bars down in order to let these limited number of lines operate at the hazard of the general public as well as the pilots? Nobody knows why. Does the gentleman think we ought to allow that?

Mr. LEA. I may say to the gentleman we are not taking the bars down. We simply provide a method of adjustment so as to prevent this labor decision from obstructing the development of small lines.

The amendment that the gentleman proposes would prevent the making of any exemption in cases where the pilots are flying on schedule or carrying air mail. Every air line in interstate or foreign commerce that amounts to anything has to go on a schedule. They cannot secure the business unless they do. So the gentleman from Ohio would, as a practical matter, prevent by law any reduction of compensation and would say to feeder lines all over the country, no matter how small, "You cannot operate unless you pay the same wages that are paid by the large air lines, running up to six, seven, or eight dollars an hour." You know what that means. It means that we will have no feeder lines.

I have in my office a chart of prospective feeder lines in the United States. Nine hundred and three prospective airports are to be taken care of. If you vote for this restriction on aviation today, it will not be long until you find you are unable to get lines in your own territory. Those little lines cannot operate and pay their pilots at that high rate of compensation. Their only chance to operate is to have an exemption when authorized by the proper authorities.

Can we have any legitimate fear that the authority established by this act is going to do an injustice to the pilots?

Nobody complains about the compensation paid these pilots today. The air lines themselves are not complaining.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEA. Mr. Chairman, may I call attention to what the committee did in this bill in favor of the pilots? While the present law only applies to domestic air-mail carriers, we extended the rates of compensation to the foreign service and made it apply to all air carriers, present and future, whether they carry mail or not. We made the law permanent instead of temporary.

There are in the United States today 1,347 air pilots on main lines. There are over 7,000 pilots who are commercial fliers, not on the air lines, and if this amendment is adopted these men in interstate commerce will be unable to secure jobs except at the prices provided here. That will mean that many of them will not get jobs.

Mr. CROSSER. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from Ohio.

Mr. CROSSER. Of course, the gentleman knows that this does not apply at all to anything except the scheduled air lines and air-mail carriers.

Mr. LEA. That is true.

Mr. CROSSER. And the great bulk of those are not affected at all.

Mr. LEA. They are in it because the advancement of aviation depends on the scheduled fliers, whether it be passengers, express, or mail, and they must operate on schedule.

It is said that we should not refuse to make the little carriers pay the higher prices, because, if they carry mail, the Government will pay the bill. Lay it on Uncle Sam. What it will mean is that many air carriers on short lines will not have an opportunity to start because they cannot take care of the expense involved.

I have here a telegram from Mr. B. E. Cole, of the Air Line Charter Service. I would like to read this to show the practical viewpoint as to the effect of this legislation. It will result in a handicap to the expansion of aviation in the United States. While we are endeavoring to pass a bill to aid aviation, here is an amendment that will do as much as an amendment could do to retard the future of aviation. Having in mind that this bill only affects one out of six fliers in the United States, for the sake of maintaining these high prices which are proper for the existing carriers, it will deny the opportunity to all these other pilots to advance into the service of small air lines.

This telegram reads as follows:

LAWRENCE, MASS., *April 16, 1938.*

Hon. CLARENCE F. LEA,
New House Office Building, Washington, D. C.:

Supplementing previous wire regarding pilots' minimum wage. Our members do not question present wage for services now performed but protest that future cannot be foreseen and if minimum wage is based on duties of air-line pilots at present, future development will be hampered. Domestic aviation progress requires feeder routes which will be flown, contact, and with planes requiring less pilot skill than those now used in scheduled operation. Shortness of routes provide only part-time pilot employment. Among over 6,000 transport pilots not represented by the Air Line Pilots' Association are many whose part-time work as flying instructors and charter pilots, make them immediately available for feeder piloting. They now practice the flying technique required and their ability is attested by the fact that the safety record of our commercial-charter operation is unequaled by any other classification in aviation. Present wage clause would make part-time work impossible and would preclude development of any class of pilot below present air-line requirements whose qualifications are unnecessary and whose training is unsuited for feeder operations. Respectfully suggest that Railway Labor Act protects rights of pilots and other employees and provides a permanent means of equitably meeting changing conditions.

AIR LINES CHARTER SERVICE,
B. E. COLE, *General Manager.*

Mr. CROSSER. The fact of the matter is the Senate adopted my amendment?

Mr. LEA. It did, and I think it will be far better to send it to conference. It will not be in the hands of enemies. It will be worked out to the best advantage of all concerned.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, at the outset I want to compliment the committee on the splendid work it has done in the preparation of this bill, which is very, very important. The members of that committee have worked out a fine bill. They have had hours, days, weeks, and months of study. Out of the wisdom of that committee has grown this bill, and the purpose of it is but one—to protect and promote a great, growing industry in the United States.

This bill will pass the House. Let us not put anything in here in the form of an amendment which will in any way defeat the purposes of the bill. There is no one in this House more interested than I in protecting the wages and hours laboring men shall work. There is no one more interested than I in keeping travel by air safe or making it safer. This industry has to grow as the railroads of this country grew—by the establishment of small lines which feed trunk or transcontinental lines. If we heap burdens so heavily upon the backs of those people who will invest their money in the creation of feeder lines, we will defeat the growth of this great, growing industry. I do not believe anyone will say that pilots and copilots at this time are underpaid. Their wage scale is well known. I believe the record will show that the average pay of pilots on the large transcontinental lines is between $500 and $600 per month.

The gentleman, when he offered his amendment, stated this will apply only to those lines that fly schedules. There are only 200 towns in the United States today now being serviced by air mail. I would not venture to say how many towns there are in the United States that have an air line running out of them, connecting with a transcontinental line, that does not carry mail at all but, despite that, flies on schedule. We want those feeder lines to grow. We want a small line to start some place so it can become a large line. If the small line is compelled to do the same thing the large line does, the small lines can never get out of its swaddling clothes and get on its feet and get in shape to grow to be a large line. Therefore, I believe the amendment of the gentleman from Ohio [Mr. CROSSER] should be defeated in all fairness to even the pilots themselves. If this industry is not going to grow, you will freeze the pilots where they now are as far as their number is concerned, and they will not be able to increase in number. If you want to give a monopoly to the already existing transcontinental air lines and freeze in their hands the monopoly of transportation of air mail, passengers, and express, in my opinion, the best way you can do it is to adopt the Crosser amendment and give the already existing air lines a monopoly on the air-transportation business. I do not believe this House wants to do that.

[Here the gavel fell.]

Mr. MARTIN of Colorado. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I do not entirely agree that this is an amendment. As I view it, this is a restoration or a maintenance of the existing law as we have had it for several years.

I wish to reiterate what I stated to the committee in general debate the other day, I cannot for the life of me see why we ought to undertake now, in this measure, for the first time, to experiment with the pay and working conditions of the air-mail pilot, because if there is any industry in the world that is built up on one man, aviation is built up on the pilot.

Mr. LEA. Mr. Chairman, will the gentleman yield for a question?

Mr. MARTIN of Colorado. I yield to the gentleman from California.

Mr. LEA. I presume the gentleman will recognize that the existing law applies only to air mail?

Mr. MARTIN of Colorado. Yes.

Mr. LEA. While the proposal here would apply to any interstate transportation.

Mr. MARTIN of Colorado. It is true that the existing law applies only to air mail, but as I understand it, practically all the interstate lines in the country today have air-mail contracts, and they have depended on those air-mail contracts to operate. While the gentleman from Oklahoma has implored you to let this industry grow, I would remind you it has grown under the existing law, and the air-mail pilots have for the past 4 years been paid, as I understand it, under a labor decision rendered even prior to the act of 1934.

The existing schedule of working hours and pay of the air-mail pilots has not frozen or stifled the industry and it is a fact the industry has grown by leaps and bounds. Why should we experiment now with the security, the peace of mind, and the welfare of the very key men of this great and hazardous occupation?

It has been pointed out to you here that the pay of a first-class air-mail pilot of the large lines ranges up to $500 or $600 a month. It has not been pointed out to you, however, that the earning life of an air-mail pilot is only 10 years. He is generally 30 years of age before he has worked himself up to the position of pilot, and at 40 years of age he has become too old, he is superannuated, and he loses his earning power. In this occupation we have the most skilled and responsible class of men in this country, in the world, yet their top earning capacity lasts for only 10 years. Whereas in all other walks of life a man's earning capacity is supposed to be only ripening at 40, the pilot's earning capacity ends at that time.

Mr. CROSSER. The pilots cannot even get insurance in this business.

Mr. MARTIN of Colorado. No; they cannot even buy insurance. There is no provision whatever for their future security.

I sat through all the hearings on this bill. We had testimony from one man named Adams, who came from West Virginia and represented some individual line, who testified his line could not pay the schedule. He testified his line might be affected if he were required to subscribe to Labor Act decision No. 83, regulating the pay and hours of pilots. It seemed to me it was conjectural to change this law to favor lines. I made up my mind I was going to adhere to the existing law and let the aeronautical authority experiment with the law and not experiment now on the air-mail pilots. They are all we are proposing to experiment on. If it develops between now and next winter that the exemption we propose to take out of the bill results in detriment to some companies in the industry, then the aeronautical authority can recommend changes to the Congress. [Applause.]

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WADSWORTH. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio [Mr. CROSSER]. I am not violating any confidence when I say I opposed it in the Committee on Interstate Commerce when it was offered before that committee, and the committee rejected it.

If the members of the Committee of the Whole will examine those provisions of this bill which relate to the pay and the service conditions of pilots, including the paragraph headed "Exemptions," I think they will agree with me that never has legislation been presented to the House of Representatives so fairly and generously protecting men in their present pay and working conditions.

As has been stated to you, the present law applies only to air-mail pilots. It does not apply to the ordinary run of commercial pilots whose planes do not carry mail, but who are nevertheless engaged in interstate commerce and who in very large measure are already running on schedule. The present law does not touch them. It gives them no protection. This bill of ours gives them protection along with the transcontinental air-mail pilots, the pilots on the large lines, in the matter of maximum working hours.

I am led to emphasize this because, like many of you, I am in receipt of a telegram from Mr. David L. Behncke, president of the Air Line Pilots Association, in which he uses this language:

> Any lowering of pilots' wages and increasing of flying hours will lower piloting standards, and accidents will become even more numerous.

He is protesting against an increase, I mean, in maximum hours. He knows perfectly well that this bill forbids that very thing. He knows it perfectly well. He should be ashamed to have allowed such a thing to creep into his telegram.

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. No; I cannot yield.

The facts are plain because on page 137, line 13, there is a proviso that reads—

> that nothing in this subsection shall be deemed to authorize the Authority to exempt any air carrier or class of air carriers from any requirement of this title or any provision thereof, or any rule, regulation, term, condition, or limitation prescribed thereunder, which provides for maximum flying hours for pilots or copilots.

So I think I am justified in emphasizing to the members of the Committee of the Whole the fact that the Committee on Interstate Commerce has not let down the bars one little iota with respect to flying hours, despite the inference in Mr. Behncke's telegram.

Mr. O'CONNELL of Montana. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I cannot yield. I am stating facts and I cannot yield.

Mr. O'CONNELL of Montana. I do not think the gentleman is stating facts.

Mr. WADSWORTH. I am stating facts. We have not let down the bars one iota. As a matter of fact, we have extended the provision for maximum hours now contained in section 83 not only to air-mail pilots, but to all pilots engaged in interstate commerce. Will anybody say we are lowering the safety regulations? Not at all.

Now, what change do we authorize in our bill?

Mr. MARTIN of Colorado. Before the gentleman goes to that, will he permit me to ask him a question?

Mr. WADSWORTH. Yes.

Mr. MARTIN of Colorado. I will admit the provision is as the gentleman says with respect to hours, but that is a very minor matter because there is not any danger of working them materially longer hours than they are working now.

Mr. WADSWORTH. I regard it as a highly important consideration. If there is one element that leads to accidents it is fatigue on the part of the pilot, and the gentleman from Colorado says it amounts to little. I am amazed at him. The 85-hour maximum was established as a standard. It was understood at that time and it is still understood by the airplane companies and by the pilots themselves that when a man is called upon to do more than 85 hours in a month——

[Here the gavel fell.]

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN (Mr. JARMAN). The Chair understands the time has been fixed by unanimous consent.

Mr. LEA. Mr. Chairman, may I state that when I made the request for 30 minutes, I had in mind the gentleman would have 3 additional minutes, so there would be ample time to cover the Members who rose at the time.

The CHAIRMAN. Without objection the gentleman from New York is recognized for 3 additional minutes.

There was no objection.

Mr. WADSWORTH. I thank the members of the Committee.

The figure of 85 hours was agreed upon by the airplane companies and the pilots themselves as a limitation on the theory and the implication that when called upon to fly more than that number of hours the pilot would be subject to overfatigue, and overfatigue is the one thing they dread more than anything else. One hundred dollars a year more or less in salary compares not at all to another 4 or 5 hours a month in working hours.

Now, something about feeder lines. I am probably imposing upon the members of the Committee if I recite a personal experience. Perhaps, I cannot do it in the 3 minutes, but I shall try. Back in 1927 and 1928 I happened to be associated as a director in a company that started pioneering in air navigation. It was known as the Canadian-Colonial. We operated from New York to Montreal. We had the first foreign air-mail contract under the old provisions. We operated for 2 years. The stock was sold privately. It was subscribed to in comparatively small amounts by men who thought they could take a chance and, perhaps, would lose, but if they won they would have done something for aviation. We paid our pilots from $250 to $300 a month, and they were a fine lot of pilots. Had the Crosser amendment been in effect then, forcing us to pay $600 a month, we simply never would have started.

We lost money every one of the 24 months as it was. We lost money and finally sold out to a larger company, but we had done the pioneering. We had laid out the air course. We had given good employment to an excellent lot of pilots who learned more and more about the game and who, when absorbed by the larger company, are today getting the $600.

They never would have been there had companies like ours had not gone to work and pioneered as feeder lines. Adopt this Crosser amendment and I say to you that you will stop pioneering by the small men in this country, who cannot pay $600 a month and who are not doing it now. They cannot do it now. If you adopt this amendment you will also make it very difficult for the copilot to get more than the $250 a month now given him by law. Why? If our bill is approved the small lines may be authorized to pay $400 a month, for example, instead of $600 a month. Then the present copilot could get a promotion from the $250-a-month to the $400-a-month pay, and he will be earning more money than he is today. This bill of ours is in the interest of safety and also in the interest of the development of the aviation service.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. O'CONNELL of Montana. Mr. Chairman, a great deal is said by the opponents of the Crosser amendment about how much the provisions of decision 83 have been extended not only to the air-mail lines but to all air lines in interstate commerce. They seek to make it look as if they have really done something, but if you will take the bill you will see that they start first to write very fair and very fine labor conditions provision; and then when they get it all in they come in, on page 137 following, and write a section providing for exemptions, which permits the authority, when it shall decide, due to the limited character of operations of the air carrier, to nullify the provisions of the preceding section with respect to everything it does, with respect to wages, with respect to labor conditions, and everything else provided in the preceding section, so that their argument of extension means nothing at all, as it is practically all nullified by the following section, which provides these exemptions. The bill says nothing at all about feeder lines or exemptions for feeder lines. It says due to the limited character of the operations of one of these carriers. Who knows what limited character is?

Mr. CROSSER. That is a matter of opinion, is it not?

Mr. O'CONNELL of Montana. It is strictly a matter of opinion. Who will decide what limited character is? Limited character may apply to the lines running through my country. They operate in a sparsely settled country, where there is little population, yet the pilots that operate through there are flying over mountains and have the most hazardous occupation of any in the country. These, though they are not, may be adjudged limited.

Our opponents talk about killing these feeder lines. Just a few minutes ago you had seven or eight of these feeder lines coming in here demanding that they be recognized, demanding that their rights be taken care of, when they know that they have to meet the labor provisions that were enacted into law by the bill signed by the President on April 15. Talk about feeder line. No feeder line can exist unless it has an air-mail subsidy, and if it gets an air-mail subsidy under the law which was enacted on April 15 they must agree to the labor provisions which the Crosser amendment is demanding here today.

What is the argument advanced largely by the air-line companies? It is the argument that every industry ever started has made—the way to let them begin and the way to let them make profits is by giving starvation wages, small wages, to the workers. Always "a pound of flesh" out of the body of the workers. All that that can do is to destroy the industry and destroy the development and improvement of the air industry. If you permit a lot of incompetent pilots to come in at starvation wages, then you will have an increase in accidents, and you will destroy the industry.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. O'CONNELL of Montana. No. I say the development of any feature of the air industry rests not with the swivel-chair experts, not with the aviation company, but with the men who pilot planes in the sky at the risk of their lives, and there is a life sacrificed every 28 days in the year. It rests with those men and not with the swivel-chair experts. You ought to be ashamed to come in here and argue that you are going to develop the air industry by lowering pilots' wages or anything so disastrous.

The remark is made that the copilots can never become pilots if this amendment is adopted. All of the copilots now operating are for the Crosser amendment. They know it will insure them the wages they are getting, instead of letting them be destroyed by some board, and God knows who is going to make up that board, who is going to be honored, or what character they will be, who they will represent or anything of the kind. You will let this board decide, having all the dictatorial power and authority, what the wage of some pilot is going to be.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. RANDOLPH. Mr. Chairman, I am certain that no Member of this body entertains a higher personal regard for the distinguished and veteran Member from Ohio [Mr. CROSSER] than do I. I regret exceedingly on that personal account that I find it necessary to oppose the amendment which he has offered, and which I know he has offered in all sincerity. I oppose it, however, because I can do so from the standpoint of a member of the Labor Committee of this House, who has always joined with other Members of this body in fighting for higher wages and for better living conditions and for working hours that are fair.

I do it because I know in my own congressional district and in the State of West Virginia that there is an air line operating a so-called feeder service. I know that this air line is pioneering. No doubt the same conditions exist in other sections of the Nation.

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to my friend from Ohio.

Mr. CROSSER. What is a feeder service? Who knows what it is?

Mr. RANDOLPH. I say to the gentleman from Ohio that as far as I am concerned a feeder service is a small line operating between four, five, or six towns in a more or less sparsely populated area where passengers may be carried to stops or terminals of a transport line.

Mr. NICHOLS. Would not a good answer to the gentleman's question be an air line which feeds passengers and express to a transcontinental or trunk line?

Mr. RANDOLPH. I thank the gentleman. Mr. Chairman, I decline to yield further because I do not have time. Let me say to the gentleman from Montana who made the remark that we do not want incompetent pilots carrying passengers on our air lines, that that is true, but let me point out that the Bureau of Air Commerce has to recognize and license every pilot before he can fly a plane, whether in the carrying of passengers or for his own individual pleasure or business.

I want to make this observation to the committee. We shall see the time come in this country, increasingly so, when the large air-transport systems themselves will recognize that they must do some pioneering from the standpoint of helping the small feeder lines. This is coming just as surely as I am speaking here today. It is going to be the backbone, it is going to be the doorstep, for aviation in the future. It will be the backlog which will tend to bring about a wider use of air transportation.

Just one further observation before I finish. I believe that smaller air lines can largely operate in the United States without a subsidy from air mail. I believe we are going to see the time in this country when small air lines are going to handle a package service, entering a new field of service not now rendered by the railway express. To illustrate, in my district now the Tri-State Aviation Corporation is carrying 700 or 800 packages every day for Morgantown and other cities in West Virginia by plane service; packages not handled by the railway express over established transport lines. We today face the issue, Mr. Chairman, of saying to the country whether we shall or shall not add too heavy burdens to these small operators who as in the case of the line in the district represented by the gentleman from New York [Mr. WADSWORTH] are pioneering. I desire earnestly that pilots, on small as well as large lines, be adequately paid for the fine service they are giving. They are pilots of progress in an industry which is becoming more and more important to modern transportation. [Applause.]

I trust the amendment will be defeated.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from New York [Mr. MEAD] is recognized for 4 minutes.

Mr. MEAD. Mr. Chairman, our committee spent a good many years in perfecting the labor section of the air-mail law that would be interfered with were not the Crosser amendment adopted. This is no time to impair wage levels when Congress is attempting to buoy up wages and purchasing power. I really believe this problem ought to be turned over for consideration to the new commission set up in this bill because there are no short lines in existence now in accordance with the definition given short lines in this debate. There may be one over in the district of the gentleman from West Virginia, but practically all the lines in the United States are scheduled air mail-passenger-express lines, and there are no such lines as might be termed short feeder lines. Short feeder lines are developing; we shall have them with us some day. It occurs to me that when that day arrives it will be time enough to go into matters of this character.

The amendment offered by the gentleman from Ohio [Mr. CROSSER] does not affect local operators, those engaged in taxi service, sightseeing service, photography, or nonscheduled operations; but it does apply to those engaged in the general business of transporting air-mail express and passengers, and that is about 95 percent of all the scheduled airline business in the United States. So, until the day of the feeder service, or the pick-up service, or the experimental service actually arrives, why break down labor standards? I really believe there is much merit in the amendment offered by the gentleman from Ohio [Mr. CROSSER]. Unless adopted, you are giving this new commission a very, very difficult and complex problem. You are asking them to deviate from existing labor standards when it would result in an undue burden, or where the service is of limited character.

What do you mean by undue burden? That is what they will want to know. Why not treat this problem as they have on the railroads? Under the railroad law, an agreement reached in one instance covers all the railroad men in the same category, and that is well defined, defined by understandable limitations. The limitations here are too broad. They make the problem most difficult to solve, and therefore I believe that the present law ought to be continued without deviation. We have, as I said a moment ago, few so-called feeder lines. The feeder lines will come into existence, however, and then it will be time enough to treat them as they should be treated.

I agree that all the small lines which pioneered in aviation 10, 15, or 20 years ago lost money. It was the romance of aviation that brought the pioneers into this particular field. But such is not the case today. The pioneering period is past; aviation has reached maturity. One of the very best protective features, so far as safety is concerned, is the protection of personnel. I really believe this problem ought to be turned over in its entirety to the aviation commission.

[Here the gavel fell.]

Mr. O'MALLEY. Mr. Chairman, if you were to go by speeches in this House, everybody here seems to be a friend of labor until their votes are counted when the worker needs more than their speeches to get fair treatment. I never heard anybody get up here who wanted to take something away from labor that did not profess his love and affection while trying to hit them under the belt. Some of this debate reminds me of the policeman who said, "It is not because I hate you that I beat you; it is just to show you my authority."

If I were to follow anybody in this House as to what is good for labor and what will promote their best interests, I should prefer to follow the leadership of the gentleman from Ohio, who for the years of his service in this House has done more to promote decent working conditions and fair wages than any other Member I know. He carries as a token of appreciation from the railroad workers an emblem that symbolizes the service he has rendered to the cause of the workingmen, and where the needs of labor are concerned I would sooner trust the able judgment of my distinguished colleague than those who protest so much but vote so seldom in labor's behalf.

The same arguments that have been advanced here about exempting these feeder or short lines were the arguments advanced 20 and 30 years ago against every bill that came up in either the National or State Legislature to better working conditions and the salaries of labor in the railroad crafts. Those who opposed decent wages said, "Why, we cannot start this line across your State unless we are exempted from these laws." "When we get big we will pay better wages." You all know the bunk hidden in that argument.

Mr. Chairman, the principal justification for any business is its ability to pay decent wages and make a fair profit. If there are any businesses which cannot make a profit except at the expense of underpaid and overworked employees, the Government should not render them special favors. The amendment of the gentleman from Ohio proposes only one thing, that the air lines, whether they are short or long, whether they are so-called pioneers who would lead you to believe they are going into the business for the love or romance of it, or whether they are frankly out to make a legitimate profit for their stockholders, shall pay the same wages and have the same hours of work for pilots. What is wrong with that when they are conducting a transportation service? If it is a good thing for the railroad men to receive the same wages and conditions upon all the lines on which they work, why should not the pilots of our airplanes have the same consideration?

Mr. O'CONNELL of Montana. Will the gentleman yield?

Mr. O'MALLEY. I yield to the gentleman from Montana.

Mr. O'CONNELL of Montana. Is it not true that the same provision as the Crosser amendment has been incorporated in the Senate bill which passed the Senate yesterday?

Mr. O'MALLEY. I have been so informed.

Mr. MAVERICK. Will the gentleman yield?

Mr. O'MALLEY. I yield to the gentleman from Texas.

Mr. MAVERICK. In addition to requiring the same qualifications, would this require the same pay? Suppose they had a particularly good man that they wanted to run on a

very large plane—say, an 18-seater Douglas—would he get the same pay as the man running a small one?

Mr. O'MALLEY. No. As this is now written there can be a variable scale of pay set up.

Mr. O'CONNELL of Montana. If the gentleman will yield, may I say that the wage scale runs from $4 to $9 an hour.

Mr. O'MALLEY. Yes. There is a variable wage scale.

Mr. Chairman, if we want to demonstrate that we believe in decent working conditions without favoritism to any men in the same craft, we will adopt the amendment offered by the gentleman from Ohio.

Mr. LEA. Mr. Chairman, may I refer to two or three statements that have been made in the course of this debate? In the first place, it was declared that the adoption of the provisions in the bill would result in the employment of incompetent pilots. In order to get his pilot's certificate every pilot is required to qualify under exactly the same conditions, so that statement is inaccurate. In the second place, it is suggested that we wait until the day of the feeder lines. The reason we do not want to wait is because the time of the feeder lines will not come if we adopt this amendment.

The Crosser amendment would be destructive and would raise an almost impossible barrier against advancement of feeder lines.

Reference has been made to the lines paying. The little line operating down in West Virginia, I am advised, is paying satisfactorily already. They have no mail contract. They are engaged in the passenger and express business alone. It would be utterly impossible for that line to operate, however, if the Crosser amendment were agreed to. It is said that we should treat them as the railroad men are treated. This bill gives the air-line pilots everything that the railroad workers have and in addition gives them a minimum-wage law. Both the railroad workers and the pilots have the benefits of the Railway Labor Act but the railroad workers do not have a minimum-wage law such as is given the pilots in this bill.

Mr. CROSSER. Mr. Chairman, the argument advanced by the gentleman from California is the argument that has always been advanced against proposals to establish standards of employment. You could just as well argue that plumbers, machinists, and other skilled workmen should have no general working standards established.

Mr. Chairman, if we do not assure protection to the men who risk their lives day after day piloting ships in the air, if the airmen may have no more upon which to rely than the mere assurance of the good will of some arbitrary authority, then the pilots will be constantly uneasy, fearful, and dissatisfied.

We are told by those opposed to the pending amendment that the pilots are only concerned about limiting their working time to 85 hours per month. Mr. Chairman, that is not so. If a man were required to work for $75 a month, for example, in order to enable some company to start in business—that is, if we were to permit a company to start a new line by paying low wages—then the pilot, under such conditions, could not perform the most effective service. He would not only feel himself the victim of injustice, and therefore discontented, but his worry in meeting the ordinary expenses of life would prevent him from concentrating on his work. Men must have peace of mind to as great a degree as possible in order to pilot airships efficiently and as safely as should be the case.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. Does the gentleman believe a pilot on a feeder line who gets a small salary and had to work in a factory during the day would make a good, safe pilot?

Mr. CROSSER. Of course he would not.

Now, I would like to have someone explain what is meant by the words "due to limited operations." That may mean one thing to the chairman and something entirely different to every other man in the House. The aviation authority is, by the language just quoted, to be authorized to exempt from observance of the labor standards any company whose operations are limited. The Commission could hold any company to be limited in its operations and therefore free such company from the obligation to observe the minimum labor standards proposed in the bill. The amendment I have just offered would prevent the authority from exempting companies from the duty to observe reasonable labor standards, and I therefore hope that the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. CROSSER].

The question was taken; and on a division (demanded by Mr. LEA) there were—ayes 42, noes 53.

Mr. CROSSER. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CROSSER and Mr. LEA.

The Committee again divided; and the tellers reported that there were—ayes 39, noes 59.

So the amendment was rejected.

The Clerk read as follows:

FOREIGN AIR CARRIER PERMITS

Permit required

SEC. 403 (a) No foreign air carrier shall engage in foreign air transportation unless there is in force a permit issued by the Authority empowering such foreign air carrier so to engage.

Issuance of permit

(b) The Authority is empowered to issue to a foreign air carrier such a permit if it finds that such carrier is fit, willing, and able properly to perform such air transportation and to conform to the provisions of this act and the rules, regulations, and requirements of the Authority hereunder, and that such transportation will be in the public interest.

Foreign air carriers authorized to operate

(c) Any foreign air carrier who holds a permit, issued by the Secretary of Commerce under section 6 of the Air Commerce Act of 1926, as amended, which was in effect on December 1, 1937, and which authorizes such foreign air carrier to operate between any foreign country and the United States (including the Philippine Islands), shall be entitled to receive a permit under this section.

Application for permit

(d) Application for a permit shall be made in writing to the Authority, shall be so verified, shall be in such form and contain such information, and shall be accompanied by such proof of service upon such interested persons as the Authority shall by regulation require.

Notice of application

(e) Upon the filing of an application for a permit the Authority shall give due notice thereof to the public by posting a notice of such application in the office of the secretary of the Authority and to such other persons as the Authority may by regulation determine. Any interested person may file with the Authority a protest or memorandum of opposition to the issuance of a permit. Such application shall be set for public hearing and the Authority shall dispose of such applications as speedily as possible.

Terms and conditions of permit

(f) The Authority may prescribe the duration of any permit and may attach to such permit such reasonable terms, conditions, or limitations as, in its judgment, the public interest may require.

Transfer of permit

(g) No permit may be transferred unless such transfer is approved by the Authority as being in the public interest.

Authority to modify, suspend, cancel, or revoke

(h) Any permit issued under the provisions of this section may, after notice and hearing, be altered, modified, amended, suspended, canceled, or revoked by the Authority whenever it finds such action to be in the public interest. Any interested person may file with the Authority a protest or memorandum of opposition to the alteration, modification, amendment, suspension, cancelation, or revocation of a permit.

Mr. BOREN. Mr. Chairman, I ask unanimous consent to return to page 135 for the purpose of offering an amendment.

Mr. RAMSPECK. Reserving the right to object, Mr. Chairman, what is the amendment?

Mr. BOREN. I may say this is just a clarifying amendment.

Mr. RAMSPECK. Let the amendment be reported.

The Clerk read as follows:

Amendment offered by Mr. BOREN: On page 135, in line 15, after the words "Postmaster General", add the following: "to the extent that the air carrier is reasonably able as determined by the Authority so to do."

Mr. HENDRICKS. Reserving the right to object, Mr. Chairman, will the gentleman explain briefly the purpose of this amendment?

Mr. BOREN. This is simply a clarifying amendment. Under the present language there seems to be a contradiction in the terms of the regulation governing maximum mail load for a carrier on a particular schedule.

Mr. LUECKE of Michigan. Mr. Chairman, I object.

The Clerk read as follows:

TARIFFS OF AIR CARRIERS

Filing of tariffs required

SEC. 404. (a) Every air carrier and foreign air carrier shall file with the Authority, and print, and keep open to public inspection, tariffs showing all rates, fares, and charges for air transportation, between points served by it, and between points served by it and points served by any other common carrier when through service and through rates shall have been established, and showing, to the extent required by regulations of the Authority, all classifications, rules, regulations, practices, and services in connection with such air transportation. Tariffs shall be filed, posted, and published in such form and manner, and shall contain such information as the Authority shall by regulation prescribe; and the Authority is empowered to reject any tariff so filed which is not consistent with this section and such regulations. Any tariff so rejected shall be void. The rates, fares, and charges shown in any tariff shall be stated in terms of lawful money of the United States, but such tariffs may also state rates, fares, and charges in terms of currencies other than lawful money of the United States, and in the case of foreign air transportation may also contain such information as may be required under the laws of any country in or to which an air carrier or foreign air carrier is authorized to operate.

Rebating and other practices prohibited

(b) No air carrier or foreign air carrier shall charge or demand or collect or receive a greater or less or different compensation for air transportation, or for any service in connection therewith, than the rates, fares, and charges specified in its currently effective tariffs; and no air carrier or foreign air carrier shall, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, refund or remit any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities, with respect to matters required by the Authority to be specified in such tariffs, except those specified therein.

Discrimination

(c) No air carrier or foreign air carrier shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever or subject any particular person, port, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever. Nothing in this act shall prohibit air carriers and foreign air carriers, under such terms and conditions as the Authority may prescribe, from issuing or interchanging tickets or passes for free or reduced-rate transportation to their directors, officers, and employees and their immediate families; witnesses and attorneys attending any legal investigation in which any such air carrier is an interested person; persons injured in aircraft accidents and physicians and nurses attending such persons; and any person or property with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation; and in the case of overseas or foreign air transportation, to such other persons and under such other circumstances as the Authority may by regulations prescribe.

Notice of tariff change

(d) No change shall be made in any rate, fare, or charge, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, specified in any effective tariff of any air carrier or foreign air carrier, except after 30 days' notice of the proposed change filed, posted, and published in accordance with subsection (a) of this section. Such notice shall plainly state the change proposed to be made and the time such change will take effect. The Authority may, in the public interest, by regulation or otherwise, allow such change upon notice less than that herein specified, or modify the requirements of this section with respect to filing and posting of tariffs, either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

Filing of divisions of rates and charges required

(e) Every air carrier and foreign air carrier shall keep currently on file with the Authority, if the Authority so requires, the established divisions of all joint rates, fares, and charges for air transportation in which such air carrier or foreign air carrier participates.

STANDARDS AS TO RATES

SEC. 405. In exercising and performing its powers and duties with respect to the determination of rates for the carriage of persons or property the Authority shall take into consideration, among other factors—

(a) The effect of such rates upon the movement of traffic;

(b) The need in the public interest of adequate and efficient transportation of persons and property by air carriers at the lowest cost consistent with the furnishing of such service;

(c) Such standards respecting the character and quality of service to be rendered by air carriers as may be prescribed by or pursuant to law;

(d) The inherent advantages of transportation by aircraft; and

(e) The need of each air carrier for revenue sufficient to enable such air carrier, under honest, economical, and efficient management, to provide adequate and efficient air carrier service.

RATES FOR CARRIAGE OF PERSONS AND PROPERTY

Rates and practices to be reasonable

SEC. 406. (a) It shall be the duty of every air carrier to provide and furnish interstate and overseas air transportation, as authorized by its certificate, upon reasonable request therefor, and to provide reasonable through service in such air transportation in connection with other air carriers; to provide safe and adequate service, equipment, and facilities in connection with such transportation; to establish, observe, and enforce just and reasonable individual and joint rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices relating to such air transportation; and, in case of such joint rates, fares, and charges, to establish just, reasonable, and equitable divisions thereof as between air carriers participating therein which shall not unduly prefer or prejudice any of such participating air carriers.

Complaints as to rates or practices

(b) Whenever, after notice and hearing, upon complaint, or upon its own initiative, the Authority shall be of the opinion that any individual or joint rate, fare, or charge demanded, charged, collected, or received for interstate or overseas air transportation by any air carrier, or any classification, rule, regulation, or practice affecting such rate, fare, or charge or the value of the service thereunder, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, the Authority shall determine and prescribe the lawful rate, fare, or charge (or the maximum or minimum, or the maximum and minimum thereof) thereafter to be demanded, charged, collected, or received, or the lawful classification, rule, regulation, or practice thereafter to be made effective: *Provided,* That as to rates, fares, and charges for overseas air transportation the Authority shall determine and prescribe only a just and reasonable maximum or minimum or maximum and minimum rate, fare, or charge.

Suspension of rates and practices

(c) Whenever any air carrier shall file with the Authority a tariff stating a new individual or joint (between air carriers) rate, fare, or charge for interstate or overseas air transportation or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Authority is empowered, upon complaint or upon its own initiative, at once, and, if it so orders, without answer or other formal pleading by the air carrier, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, or charge, or such classification, rule, regulation, or practice; and pending such hearing and the decision thereon the Authority, by filing with such tariff and delivering to the air carrier affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such tariff and defer the use of such rate, fare, or charge, or such classification, rule, regulation, or practice, for a period of 90 days; and if the proceeding has not been concluded and a final order made within such period, the Authority may, from time to time, extend the period of suspension, but not for a longer period in the aggregate than 180 days beyond the time when such tariff would otherwise go into effect; and, after hearing, whether completed before or after the rate, fare, charge, classification, rule, regulation, or practice goes into effect, the Authority may make such order with reference thereto as would be proper in a proceeding instituted after such rate, fare, charge, classification, rule, regulation, or practice had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed rate, fare, charge, classification, rule, regulation, or practice shall go into effect at the end of such period: *Provided,* That this subsection shall not apply to any initial tariff filed by any air carrier.

Power to require divisions between carriers

(d) Whenever, after notice and hearing, upon complaint or upon its own initiative, the Authority is of the opinion that any division of joint rates, fares, or charges for air transportation is or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the air carriers or foreign air carriers parties thereto, the Authority shall prescribe the just, reasonable, and equitable division thereof to be received by the several air carriers. The Authority may require the adjustment of divisions between such air carriers from the date of filing the complaint or entry of order of investigation, or such other date subsequent thereto as the Authority finds to be just, reasonable, and equitable.

Power to establish through service

(e) The Authority shall, whenever required by the public convenience and necessity, after notice and hearing, upon complaint or upon its own initiative, establish through service and joint rates, fares, or charges for interstate or overseas air transportation (or the maxima or minima, or the maxima and minima thereof), or the classifications, rules, regulations, or practices affecting such rates, fares, or charges or the value of the service thereunder and the terms and conditions under which such through service shall be operated: *Provided,* That as to joint rates, fares, and charges for overseas air transportation the Authority shall determine and

prescribe only just and reasonable maximum or minimum or maximum and minimum joint rates, fares, or charges.

Discriminatory foreign rates

(f) Whenever, after notice and hearing, upon complaint or upon its own initiative, the Authority shall be of the opinion that any individual or joint rate, fare, or charge demanded, charged, collected, or received for foreign air transportation by any air carrier or foreign air carrier, or any classification, rule, regulation, or practice affecting such rate, fare, or charge or the value of the service thereunder, is or will be unjustly discriminatory, or unduly preferential, or unduly prejudicial, the Authority may alter the same to the extent necessary to correct such discrimination, preference, or prejudice and make an order that the air carrier or foreign air carrier shall discontinue demanding, charging, collecting, or receiving any such discriminatory, preferential, or prejudicial rate, fare, or charge, or enforcing any such discriminatory, preferential, or prejudicial classification, rule, regulation, or practice.

Foreign rate study

(g) The Authority is empowered and directed to investigate and report to the Congress within 1 year from the effective date of this section to what extent, if any, the Federal Government should further regulate the rates, fares, or charges of air carriers engaged in foreign air transportation, and the classification, rules, regulations, and practices affecting such rates, fares, or charges.

Mr. LEA. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. LEA to section 406: On page 148, line 24, strike out the word "classification" and insert in lieu thereof the word "classifications."

Mr. LEA. Mr. Chairman, the object of this amendment is simply to make a clerical correction.

The amendment was agreed to.

The Clerk read as follows:

JOINT BOARDS

Designation of boards

SEC. 407. (a) The Authority and the Interstate Commerce Commission shall direct their respective Chairmen to designate, from time to time, one or more members of the Authority and like number of members of the Interstate Commerce Commission to act as a joint board to consider and pass upon matters referred to such board as provided in subsection (c) of this section.

Through service and joint rates

(b) Air carriers may establish reasonable through service and joint rates, fares, and charges with common carriers subject to the Interstate Commerce Act or the Motor Carrier Act, 1935. In case of such through service it shall be the duty of the carriers parties thereto to establish just and reasonable joint rates, fares, or charges and just and reasonable classifications, rules, regulations, and practices affecting such joint rates, fares, or charges, or the value of the service thereunder, and just, reasonable, and equitable divisions of such joint rates, fares, or charges as between the carriers participating therein. Any common carrier subject to the Interstate Commerce Act or the Motor Carrier Act, 1935, which is participating in such through service and joint rates, fares, or charges, shall include in its tariffs, filed with the Interstate Commerce Commission, a statement showing such through service and joint rates, fares, or charges.

Jurisdiction of boards

(c) Matters relating to such through service and joint rates, fares, or charges may be referred by the Authority or the Interstate Commerce Commission, upon complaint or upon their own initiative, to a joint board created as provided in subsection (a). Complaints may be made to the Interstate Commerce Commission or the Authority with respect to any matter which may be referred to a joint board under this subsection.

Power of boards

(d) With respect to matters referred to any joint board as provided in subsection (c), if such board finds, after notice and hearing, that any such joint rate, fare, or charge, or classification, rule, regulation, or practice, affecting such joint rate, fare, or charge or the value of the service thereunder is or will be unjust, unreasonable, unjustly discriminatory, or unduly preferential or prejudicial, or that any division of any such joint rate, fare, or charge, is or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the carriers parties thereto, it is authorized and directed to take the same action with respect thereto as the Authority is empowered to take with respect to any such division, or any such joint rate, fare, or charge, between air carriers or any such classification, rule, regulation, or practice affecting such joint rate, fare, or charge, or the value of the service thereunder.

Judicial enforcement and review

(e) Orders of the joint boards shall be enforceable and reviewable as provided in this act with respect to orders of the Authority.

RATES FOR CARRIAGE OF MAIL

Mail-rate standards

SEC. 408. (a) In fixing and determining fair and reasonable rates of compensation under this section, the Authority, considering the conditions peculiar to transportation by aircraft and to the particular air carrier or class of air carriers, may fix different rates for different air carriers or classes of air carriers, and different classes of service. In determining the rate in each case, the Authority shall take into consideration, among other factors, the condition that such air carriers may hold and operate under certificates authorizing the carriage of mail only by providing necessary and adequate facilities and service for the transportation of mail; such standards respecting the character and quality of service to be rendered by air carriers as may be prescribed by or pursuant to law; and the need of each such air carrier for compensation for the transportation of mail sufficient to insure the performance of such service and, together with all other revenue of the air carrier, to enable such air carrier under honest, economical, and efficient management, to maintain and continue the development of air transportation to the extent and of the character and quality required for the commerce of the United States, the Postal Service, and the national defense.

Fixing of mail rates

(b) The Authority shall, upon its own initiative, or upon petition of the Postmaster General or an air carrier, (1) fix and determine from time to time, after notice and hearing, the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith (including the transportation of mail by an air carrier by other means than aircraft whenever such transportation is incidental to the transportation of mail by aircraft or is made necessary by conditions of emergency arising from aircraft operation), by each holder of a certificate authorizing the transportation of mail by aircraft, and make such rates effective from such date as it shall determine to be proper; (2) prescribe the method or methods, by aircraft-mile, pound-mile, weight, space, or any combination thereof, or otherwise, for ascertaining such rates of compensation for each air carrier or class of air carriers; and (3) publish the same; and the rates so fixed and determined shall be paid by the Postmaster General from appropriations for the transportation of mail by aircraft.

Petition for determination

(c) Any petition for the fixing of fair and reasonable rates of compensation under this section shall include a statement of the rate the petitioner believes to be fair and reasonable. The Postmaster General shall introduce as part of the record in all proceedings under this section a comprehensive statement of all service to be required of the air carrier and such other information in his possession as may be deemed by the Authority to be material to the inquiry.

TRANSPORTATION OF MAIL

Cancelation of mail contracts

SEC. 409. (a) Each contract between the United States and any person for the carriage of mail, heretofore entered into or continued under the provisions of the Air Mail Act of 1934, as amended, and each contract for the carriage of mail by aircraft in Alaska, shall be continued in effect until canceled in accordance with this subsection. Each such contract shall be canceled upon the issuance to the holder of such contract of a certificate authorizing the transportation of mail by aircraft between the points covered by such contract, or upon the failure of the holder of such contract to apply for such certificate within the period provided in subsection (a) of section 402 of this act, or upon a determination by the Authority that a certificate should not be issued. Until the Authority fixes rates under section 408 of this act, the Postmaster General shall pay compensation for the transportation of mail by aircraft at the rates provided by each such contract or, where rates have been heretofore or shall hereafter be fixed by orders of the Interstate Commerce Commission, pursuant to proceedings instituted prior to the date of enactment of this act, shall pay compensation for such transportation in accordance with such orders as if this act had not been enacted.

Cancelation of foreign mail contracts

(b) Each contract between the United States and any person heretofore entered into under the provisions of the act of March 8, 1928, as amended (45 Stat. 248; U. S. C., 1934 ed., title 39, sec. 465 (a)), shall be continued in effect until canceled in accordance with this subsection. Each such contract shall be canceled upon the issuance of a certificate to the holder of such contract for the transportation of mail between the points covered by such contract, or upon the effective date of any order of the Authority hereunder fixing a fair and reasonable rate of compensation for the transportation of mail by aircraft between the points covered by such contract, whichever is later, or upon the failure of the holder of such contract to apply for such certificate within the period provided in subsection (a) of section 402 of this act, or upon a determination by the Authority that a certificate should not be issued.

Termination of bonds

(c) Upon the cancelation, pursuant to the provisions of this act, of any contract for the carriage of mail by aircraft, the bond or bonds required from the holder thereof shall terminate and cease to be effective, and such holder and his or its surety or sureties thereon shall be released and discharged from all obligations thereunder, and all securities deposited with such bond or bonds shall forthwith be returned to such holder: *Provided*, That the foregoing provision shall not be construed to terminate or make ineffective any bond or bonds of such holder, or to release

or discharge from any obligation thereunder such holder or his or its surety or sureties thereon, in respect of any matter arising prior to the date of the cancelation of such contract, and such holder or his or its surety or sureties thereon shall not be released or discharged prior to disposition of any such matter: *Provided further,* That nothing in this act shall be construed to affect any right which may have accrued to any air carrier prior to the date of the cancelation, pursuant to the provisions of this act, of any contract for the transportation of mail by aircraft.

Carriage of foreign mail

(d) (1) Any air carrier holding a certificate to engage in foreign air transportation shall transport mails of foreign countries subject to control and regulation by the United States. The Postmaster General shall fix from time to time the rates of compensation that shall be charged the respective foreign countries for the transportation of their mails by such air carriers, and such rates shall be put into effect by the Postmaster General in accordance with the provisions of the postal convention regulating the postal relations between the United States and the respective foreign countries, or as provided hereinafter in this subsection. In any case where the Postmaster General deems such action to be in the public interest, he may approve rates provided in arrangements under which mail has been carried on scheduled operations prior to January 1, 1938, or in extensions or modifications of such arrangements, between any such air carrier and any foreign country covering the transportation of mails of such country; and may permit any such air carrier to enter into arrangements with any foreign country for the transportation of its mail at rates fixed by the Postmaster General in advance of the making of any such arrangement. The Postmaster General may delegate to the air carrier the authority, under such limitations as the Postmaster General may prescribe, to change the rates to be charged any foreign country for the transportation of its mails by such air carrier within that country or between that country and another foreign country.

(2) In any case where such air carrier has an arrangement with any foreign country for transporting its mails, made or approved in accordance with the provisions of subdivision (1) of this subsection, it shall collect its compensation from the foreign country under its arrangement, and in case of the absence of any arrangement between the air carrier and the foreign country consistent with this subsection, the collections made from the foreign country by the United States shall be for the account of such air carrier.

(3) In the case of any air carrier holding a contract under the provisions of the act of March 8, 1928, as amended (45 Stat. 248; U. S. C., 1934 ed., title 39, sec. 465 (a)), providing for the carriage of mails of foreign countries for the account of the United States, this subsection (d) shall apply only upon the cancelation of such contract as provided in subsection (b).

Filing of schedules

(e) (1) Every air carrier shall file with the Authority and the Postmaster General a schedule setting forth the points to and from which such air carrier transports mail and the time of arrival and departure at each such point of every aircraft transporting mail operated by such air carrier. No such schedule, other than the initial schedule filed by any air carrier, shall become effective until 10 days after the date upon which such schedule is filed.

(2) The Postmaster General may, by order, alter, amend, or modify any such schedule with respect to the stops or the time of departure or arrival of any such aircraft. No such order shall become effective until 10 days after its issuance.

(3) Any person who would be aggrieved by any such order of the Postmaster General under this subsection may, before the expiration of such 10-day period, apply to the Authority, under such regulations as it may prescribe, for a review of such order. The Authority may review, and, if the public interest so requires, amend, revise, or revoke such order; and, pending such review and the determination thereof, may further postpone the effective date of such order. The Authority shall give preference to proceedings under this subsection over all proceedings pending before it.

(4) No air carrier shall transport mail in accordance with a schedule other than its currently effective schedule filed with the Authority and the Postmaster General as provided in this section.

CONSOLIDATION, MERGER, AND ACQUISITION OF CONTROL

Approval by Authority

SEC. 410. (a) It shall be unlawful, unless approved by order of the Authority as provided in this section—

(1) For two or more air carriers, or for any air carrier and any common carrier or any person engaged in any other phase of aeronautics, to consolidate or merge their properties, or any part thereof, into one person for the ownership, management, or operation of the properties theretofore in separate ownerships;

(2) For any common carrier or any person engaged in any phase of aeronautics to purchase, lease, or contract to operate the properties, or any substantial part thereof, of any air carrier;

(3) For any air carrier or person controlling an air carrier to purchase, lease, or contract to operate the properties, or any substantial part thereof, of any person engaged in any phase of aeronautics otherwise than as an air carrier;

(4) For any foreign air carrier or person controlling a foreign air carrier to acquire control, in any manner whatsoever, of any citizen of the United States engaged in any phase of aeronautics;

(5) For any common carrier or any person engaged in any phase of aeronautics to acquire control of any air carrier in any manner whatsoever;

(6) For any air carrier or person controlling an air carrier to acquire control, in any manner whatsoever, of any person engaged in any phase of aeronautics; or

(7) For any person to continue to maintain any relationship established in violation of any of the foregoing subdivisions of this subsection.

Application for approval

(b) Any person seeking approval of a consolidation, merger, purchase, lease, operating contract, or acquisition of control, specified in subsection (a) of this section, shall present an application to the Authority, and thereupon the Authority shall notify the persons involved in the consolidation, merger, purchase, lease, operating contract, or acquisition of control, and other persons known to have a substantial interest in the proceeding, of the time and place of a public hearing. Unless, after such hearing, the Authority finds that the consolidation, merger, purchase, lease, operating contract, or acquisition of control will not be consistent with the public interest or that the conditions of this section will not be fulfilled, it shall, by order, approve such consolidation, merger, purchase, lease, operating contract, or acquisition of control, upon such terms and conditions as it shall find to be just and reasonable and with such modifications as it may prescribe: *Provided,* That no consolidation, merger, purchase, lease, operating contract, or acquisition of control shall be approved if such act would result in creating a monopoly or monopolies and thereby unduly restrain competition or unreasonably jeopardize another air carrier not a party to the consolidation, merger, purchase, lease, operating contract, or acquisition of control: *Provided further,* That if the applicant is a carrier other than an air carrier, or a person controlled by a carrier other than an air carrier or affiliated therewith within the meaning of section 5 (8) of the Interstate Commerce Act, as amended, such applicant shall for the purposes of this section be considered an air carrier and the Authority shall not enter such an order of approval unless it finds that the transaction proposed will promote the public interest by enabling such carrier other than an air carrier to use aircraft to public advantage in its operation and will not unduly restrain competition.

Interests in ground facilities

(c) The provisions of this section shall not apply to the acquisition of any interest in any ticket office, landing area, hangar, or other ground facility reasonably incidental to the performance by any air carrier of any of its services, nor to the acquisition of any stock or other interest in any person whose principal business is the maintenance or operation of any such ticket office, landing area, hangar, or other ground facility.

Subjection to accounting and other procedure

(d) Whenever, after the effective date of this section, a person, not an air carrier, is authorized, pursuant to this section, to acquire control of an air carrier, such person thereafter shall, to the extent found by the Authority to be reasonably necessary for the administration of this act, be subject to the provisions of this act relating to accounts, records, and reports, and the inspection of facilities and records, including the penalties applicable in the case of violations thereof.

Investigation of violations

(e) The Authority is empowered, upon complaint or upon its own initiative, to investigate, and after notice and hearing, to determine whether any person is violating any provision of subsection (a) of this section. If the Authority finds after such hearing that such person is violating any provision of such subsection, it shall by order require such person to take such action, consistent with the provisions of this act, as may be necessary, in the opinion of the Authority, to prevent further violation of such provisions.

Pooling and other agreements

(f) (1) Every air carrier shall file with the Authority a true copy, or, if oral, a true and complete memorandum, of every contract or agreement (whether enforceable by provisions for liquidated damages, penalties, bonds, or otherwise) affecting air transportation and in force on the effective date of this section or hereafter entered into, or any modification or cancelation thereof, between such air carrier and any other air carrier, foreign air carrier, or other carrier for pooling or apportioning earnings, losses, traffic, service or equipment or relating to the establishment of transportation rates, fares, charges, or classifications, or for preserving and improving safety, economy, and efficiency of operation, or for controlling, regulating, preventing, or otherwise eliminating destructive, oppressive, or wasteful competition, or for regulating stops, schedules, and character of service, or for other cooperative working arrangements.

(2) The Authority shall by order disapprove any such contract or agreement, whether or not previously approved by it, that it finds to be adverse to the public interest, or in violation of this act, and shall by order approve all other such contracts or agreements and any modifications or cancelations thereof.

Mr. WADSWORTH. Mr. Chairman, I offer an amendment to page 161.

The Clerk read as follows:

Amendment offered by Mr. WADSWORTH: On page 161, line 18, after the word "section," insert the words "and of section 411."

Mr. WADSWORTH. Mr. Chairman, it will be noted on page 161 that section (c) reads as follows:

The provisions of this section shall not apply to the acquisition of any interest in any ticket office, landing area, hangar, or other ground facility reasonably incidental to the performance by any air carrier of any of its services.

This section in general forbids an air carrier to combine unlawfully with another air carrier, but paragraph (c) grants an exemption in that regard to permit two or three or more air carriers to join in the establishment and maintenance, for example, of a joint ticket office at an airport or a joint terminal facility such as a hangar. This section applies to the company as such. Section 411 imposes an equal inhibition on the officers or directors of a company.

My amendment, if adopted, inserting the words "and of section 411," which is the section having to do with officers or directors, would permit an officer or director of an air company to become an officer in a joint ticket agency. His company is permitted to combine with another company in the maintenance of a joint ticket agency, and my amendment would permit an officer of the company to take part in its management.

Mr. LEA. Mr. Chairman, the same subject matter was under consideration in connection with a possible amendment to the bill, and I personally agree that the amendment should be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. BOREN. Mr. Chairman, I renew my unanimous-consent request to return to page 135 for the purpose of offering a clarifying amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. MAPES. Mr. Chairman, reserving the right to object, may we have the amendment read?

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Oklahoma for the information of the Committee.

The Clerk read as follows:

Amendment offered by Mr. BOREN: On page 135, after the words "Postmaster General" in line 15, change the period to a comma and add the words "to the extent that the air carrier is reasonably able as determined by the Authority so to do."

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. BOREN. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. There are many cases, certainly, where it is altogether unreasonable for the air carrier to suffer penalty because of its failure to transport mail in excess of the maximum load. Is not that the purpose of the amendment?

Mr. LEA. Mr. Chairman, there is an inconsistency in the language as now drawn and the amendment offered by the gentleman from Oklahoma corrects that inconsistency.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The Clerk read as follows:

INTERLOCKING DIRECTORATES

SEC. 411. After 180 days after the effective date of this section, it shall be unlawful, unless such relationship shall have been approved by order of the Authority upon due showing, in the form and manner prescribed by the Authority, that the public interest will not be adversely affected thereby—

(a) For any air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(b) For any air carrier, knowingly and willfully, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder, holding a controlling interest, in any other person who is a common carrier or engaged in any phase of aeronautics.

(c) For any person who is an officer or director of an air carrier to hold the position of officer, director, or member, or to be a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(d) For any air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

(e) For any air carrier, knowingly and willfully, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

(f) For any person who is an officer or director of an air carrier to hold the position of officer, director, or member, or to be a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

EXEMPTION FROM ANTITRUST LAWS

SEC. 412. Any person affected by any order made under section 410 or section 411 shall be, and is hereby, relieved from the operations of the "antitrust laws," as designated in section 1 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, and of all other restraints, or prohibitions made by, or imposed under, authority of law, insofar as may be necessary to enable him to do anything authorized, approved, or required by such order.

UNFAIR COMPETITION

SEC. 413. The Authority may, upon its own initiative or upon complaint by an air carrier or foreign air carrier, if it considers that such action by it would be in the interest of the public, investigate and determine whether any air carrier or foreign air carrier has been or is engaged in unfair or deceptive practices or unfair methods of competition in air transportation. If the Authority shall find, after notice and hearing, that such air carrier or foreign air carrier is engaged in such unfair or deceptive practices or unfair methods of competition, it shall order such air carrier or foreign air carrier to cease and desist from such practices or methods of competition: *Provided*, That the Authority may dismiss a complaint filed under this section without hearing when it finds that such complaint fails to state reasonable grounds for investigation.

ACCOUNTS, RECORDS, AND REPORTS

Power to require reports

SEC. 414. (a) The Authority is empowered to require annual, monthly, periodical, and special reports from any air carrier, to prescribe the manner and form in which such reports shall be made, and to require from any air carrier specific answers to all questions upon which the Authority may deem information to be necessary. Such reports shall be under oath whenever the Authority so requires. The Authority may also require any air carrier to file with it a true copy of each or any contract, agreement, understanding, or arrangement, between such air carrier and any other carrier or person, in relation to any traffic affected by the provisions of this act.

Disclosure of stock ownership

(b) Every air carrier shall submit annually, and at such other times as the Authority shall determine, a list showing each of the stockholders or members holding more than 5 percent of the entire capital stock or capital, as the case may be, of such air carrier and a report setting forth a description of the shares of stock, or other interests, in persons other than itself held by such air carrier or for its account.

Disclosure of stock ownership by officer or director

(c) Every officer and director of an air carrier shall, annually and at such other times as the Authority shall determine, transmit to the Authority a report describing the shares of stock or other interests held by him in any common carrier or any person engaged in any phase of aeronautics, and in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

Form of accounts

(d) The Authority shall prescribe the forms of all accounts, records, and memoranda to be kept by air carriers, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and the length of time such accounts, records, and memoranda shall be preserved; and it shall be unlawful for air carriers to keep any accounts, records, or memoranda other than those prescribed or approved by the Authority: *Provided*, That any air carrier may keep additional

accounts, records, or memoranda if they do not impair the integrity of the accounts, records, or memoranda prescribed or approved by the Authority and do not constitute an undue financial burden on such air carrier.

Access to property

(e) The Authority shall at all times have access to all lands, buildings, and equipment of any air carrier and to all accounts, records, and memoranda, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by air carriers; and it may employ special agents or examiners, who shall have authority under the orders of the Authority to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda. The provisions of this section shall apply, to the extent found by the Authority to be reasonably necessary for the administration of this act, to persons having control over, or affiliated with, any air carrier.

Objection to disclosure of information

(f) Any person may make written objection to the public disclosure of information contained in any application, report, or document filed pursuant to the provisions of this act or of information obtained by the Authority, the Administrator, or the director of the safety division pursuant to the provisions of this act, stating the grounds for such objection. Whenever such objection is made, the Authority shall order such information withheld from public disclosure when, in its judgment, a disclosure of such information would adversely affect the interests of such person and is not required in the interest of the public.

INQUIRY INTO AIR CARRIER MANAGEMENT

SEC. 415. For the purpose of exercising and performing its powers and duties under this act, the Authority is empowered to inquire into the management of the business of any air carrier and, to the extent reasonably necessary for any such inquiry, to obtain from such carrier, and from any person controlling or controlled by, or under common control with, such air carrier, full and complete reports and other information.

FINANCIAL AID

SEC. 416. The Authority is empowered to approve or disapprove, in whole or in part, any and all applications made after the effective date of this section for or in connection with any loan or other financial aid from the United States or any agency thereof to, or for the benefit of, any air carrier. No such loan or financial aid shall be made or given without such approval and the terms and conditions upon which such loan or financial aid is provided shall be prescribed by the Authority.

TITLE V—NATIONALITY AND OWNERSHIP OF AIRCRAFT

REGISTRATION OF AIRCRAFT NATIONALITY

Civil aircraft of the United States

SEC. 501. (a) Upon request of the owner of any aircraft eligible for registration, such aircraft shall be registered by the Authority and the Authority shall issue to the owner thereof a certificate of registration.

Eligibility

(b) No aircraft shall be eligible for registration unless—

(1) It is a civil aircraft owned by a citizen of the United States and is not registered under the laws of any foreign country;

(2) It is a civil aircraft owned by the United States, any State, Territory, or possession thereof, or the District of Columbia, or any political subdivision of any such State, Territory, possession, or the District of Columbia;

(3) It is a public aircraft of the Federal Government, or of a State, Territory, or possession of the United States, or the District of Columbia, or of a political subdivision thereof.

Suspension or revocation

(c) A certificate of registration may be suspended or revoked by the Authority for any cause which renders the aircraft ineligible for registration.

Registration required

(d) It shall be unlawful for any person to operate or navigate any aircraft eligible for registration if such aircraft is not so registered by its owner, or to operate or navigate an aircraft in the United States (except as provided in section 6 of the Air Commerce Act of 1926, as amended) if such aircraft is not eligible for registration: *Provided*, That aircraft of the national defense forces of the United States may be operated and navigated without being so registered if such aircraft are identified, by the agency having jurisdiction over them, in a manner satisfactory to the Authority. The Authority may, by regulation, permit the operation and navigation of aircraft without registration by the owner for such reasonable periods after transfer of ownership thereof as the Authority may prescribe.

Effect of registration

SEC. 502. A certificate of registration shall be conclusive evidence of nationality for international purposes, but not in any proceeding under the laws of the United States. Registration shall not be evidence of ownership of aircraft in any proceeding in which such ownership by a particular person is, or may be, in issue.

RECORDING OF TRANSFER OF AIRCRAFT OWNERSHIP RECORDS

Establishment of recording system

SEC. 503. (a) The Authority shall establish and maintain a system of recording all conveyances affecting the title to, or interest in, any civil aircraft of the United States.

Conveyances to be recorded

(b) No conveyance made or given on or after the effective date of this section, which affects the title to, or interest in, any civil aircraft of the United States, or any portion thereof, shall be valid in respect of such aircraft or portion thereof against any person other than the person by whom the conveyance is made or given, his heir or devisee, and any person having actual notice thereof, until such conveyance is recorded in the office of the secretary of the Authority. Every such conveyance so recorded in the office of the secretary of the Authority shall be valid as to all persons without further recordation. Any instrument, recordation of which is required by the provisions of this section, shall take effect from the date of its recordation, and not from the date of its execution.

Form of conveyance

(c) No conveyance shall be recorded unless it states the interest in the aircraft of the person by whom such conveyance is made or given or, in the case of a contract of conditional sale, the interest of the vendor, and states the interest transferred by the conveyance, and unless it shall have been acknowledged before a notary public or other officer authorized by law of the United States, or of a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds.

Index of conveyances

(d) The Authority shall record conveyances delivered to it in the order of their reception, in files to be kept for that purpose, and indexed to show—

(1) The identifying description of the aircraft;

(2) The names of the parties to the conveyance;

(3) The time and date of reception of the instrument and the time and date of recordation thereof;

(4) The interest in the aircraft transferred by the conveyance; and

(5) If such conveyance is made as security for indebtedness, the amount and date of maturity of such conveyance.

Regulations

(e) The Authority is authorized to provide by regulation for the endorsement upon certificates of registration, or aircraft certificates, of information with respect to the ownership of the aircraft for which each certificate is issued, for the recording of discharges and satisfactions of recorded instruments and other transactions affecting title to, or interest in, aircraft, and for such other records, proceedings, and details as may be necessary to facilitate the determination of the rights of parties dealing with civil aircraft of the United States.

Other information as to ownership

(f) The person applying for the issuance or renewal of an airworthiness certificate for an aircraft with respect to which no conveyance has theretofore been recorded shall present with his application such information with respect to the ownership of the aircraft as the Authority shall deem necessary to show the persons who are holders of property interests in such aircraft and the nature and extent of such interests.

Mr. LEA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEA: On page 174, in line 5, strike out the word "conveyance" and insert in lieu thereof the word "indebtedness."

Mr. LEA. Mr. Chairman, the object is simply to correct what is evidently a misprint.

The amendment was agreed to.

The Clerk read as follows:

TITLE VI—CIVIL AERONAUTICS SAFETY REGULATIONS

GENERAL SAFETY POWERS AND DUTIES

SEC. 601. The Authority is empowered, and it shall be its duty—

(a) To promote safety of flight in air commerce by prescribing and revising from time to time—

(1) Such minimum standards governing the design, materials, workmanship, construction, and performance of aircraft, aircraft engines, and propellers as may be required in the interest of safety;

(2) Such minimum standards governing appliances as may be required in the interest of safety;

(3) Reasonable rules and regulations and minimum standards governing in the interest of safety (A) the inspection, servicing, and overhaul of aircraft, aircraft engines, propellers, and appliances, (B) the equipment and facilities for such inspection, servicing, and overhaul, and (C), in the discretion of the Authority, the periods for, and the manner in, which such inspection, servicing, and overhaul shall be made, including provision for examinations and reports by properly qualified private persons whose examinations or reports the Authority may accept in lieu of those made by its officers and employees;

(4) Reasonable rules and regulations governing the reserve supply of aircraft, aircraft engines, propellers, appliances, and aircraft fuel and oil, required in the interest of safety, including the reserve supply of aircraft fuel and oil which shall be carried in flight;

(5) Reasonable rules and regulations governing, in the interest of safety, the maximum hours or periods of service of airmen, and other employees, of air carriers;

(6) Such reasonable rules and regulations, or minimum standards, governing other practices, methods, and procedure, as the Authority may find necessary to provide adequately for safety in air commerce; and

(7) Air traffic rules for the navigation, protection, and identification of aircraft, including rules as to safe altitudes of flight and rules for the prevention of collisions between aircraft, and between aircraft and land or water vehicles.

(b) To conduct such investigations as it shall deem necessary to exercise and perform its powers and duties under this title.

(c) To exchange with foreign governments, through appropriate agencies of the United States, information pertaining to safety in aeronautics.

AIRCRAFT CERTIFICATES

Type certificates

SEC. 602. (a) (1) The Authority is empowered to issue type certificates for aircraft, aircraft engines, and propellers. The Authority is empowered to specify in regulations the appliances for which the issuance of type certificates is reasonably required in the interest of safety, and is empowered to issue such certificates for such appliances.

(2) Any interested person may file with the Authority an application for a type certificate for an aircraft, aircraft engine, or propeller, or an appliance specified in regulations under paragraph (1) of this subsection. Such application shall be in such form and contain such information as the Authority may require. Upon receipt of an application the Authority may hold hearings thereon and shall make such investigation thereof and such inspections and tests of the aircraft, aircraft engine, propeller, or appliance for which a type certificate is sought, during manufacture and upon completion, as it deems reasonably necessary in the interest of safety, including tests of raw materials or any part or appurtenance of such aircraft, aircraft engine, propeller, or appliance. If the Authority finds that such aircraft, aircraft engine, propeller, or appliance is of proper design, material, specification, construction, and performance for safe operation, and meets the minimum standards, rules, and regulations prescribed by the Authority, it shall issue a type certificate therefor. The Authority may prescribe in any such certificate the duration thereof and such other terms, conditions, and limitations as are required in the interest of safety.

Production certificate

(b) Upon application, and if it satisfactorily appears to the Authority that duplicates of any aircraft, aircraft engine, propeller, or appliance for which a type certificate has been issued will conform to such certificate, the Authority shall issue a production certificate authorizing the production of duplicates of such aircraft, aircraft engines, propellers, or appliances. The Authority shall make such inspection and may require such tests of any aircraft, aircraft engine, propeller, or appliance manufactured under a production certificate as may be necessary to assure manufacture of each unit in conformity with the type certificate or any amendment or modification thereof. Application for a production certificate shall be made in such form and contain such information as the Authority may require. The Authority may prescribe in any such production certificate the duration thereof and such other terms, conditions, and limitations as are required in the interest of safety.

Airworthiness certificate

(c) (1) The Authority is empowered to issue airworthiness certificates for aircraft.

(2) The registered owner of any aircraft may file with the Authority an application for an airworthiness certificate for such aircraft. Such application shall be in such form and contain such information as the Authority may require. If the Authority finds that the aircraft conforms to the type certificate therefor, and, after inspection, that the aircraft is in condition for safe operation, it shall issue an airworthiness certificate. The Authority may prescribe in such certificate the duration of such certificate, the type of service for which the aircraft may be used, and such other terms, conditions, and limitations as are required in the interest of safety. Each such certificate shall be registered by the Authority and shall set forth such information as the Authority may deem advisable. The certificate number, or such other individual designation as may be required by the Authority, shall be displayed upon each aircraft in accordance with regulations prescribed by the Authority.

AIRMAN CERTIFICATES

Power to issue certificate

SEC. 603. (a) The Authority is empowered to issue airman certificates specifying the capacity in which the holders thereof are authorized to serve as airmen in connection with aircraft.

Issuance of certificate

(b) Any person may file with the Authority an application for an airman certificate. Such application shall be in such form and contain such information as the Authority may require. If the Authority finds, after investigation, that such person possesses proper qualifications for, and is physically able to perform the duties pertaining to, the position for which the airman certificate is sought, it shall issue such certificate, containing such terms, conditions, and limitations as to duration thereof, periodic examinations, tests of physical fitness, and other matters as the Authority may determine to be necessary to assure safety of operation. Any person whose application for the issuance or renewal of an airman certificate is denied may file with the Authority a petition for reconsideration, and the Authority shall thereupon assign such application for hearing at a place convenient to the applicant's place of residence or employment. The Authority may, in its discretion, prohibit or restrict the issuance of airman certificates to aliens, or may make such issuance dependent on the terms of reciprocal agreements entered into with foreign governments.

AIR-CARRIER OPERATING CERTIFICATES

Power to issue certificate

SEC. 604. (a) The Authority is empowered to issue air-carrier operating certificates and to establish minimum safety standards for the operation of the air carrier to whom any such certificate is issued.

Issuance of certificate

(b) Any person desiring to operate as an air carrier may file with the Authority an application for an air-carrier operating certificate. Such application shall be in such form and contain such information as the Authority may require. If the Authority finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this act and the rules, regulations, and standards issued thereunder, it shall issue an air-carrier operating certificate. Each air-carrier operating certificate shall prescribe such terms, conditions, limitations, and requirements as are reasonably necessary to assure safety in air transportation, and shall specify the points to and from which, and the civil airways over which, such person is authorized to operate as an air carrier under an air-carrier operating certificate.

AIR NAVIGATION FACILITY RATING

SEC. 605. The Authority is empowered to inspect, classify, and rate any air navigation facility available for the use of civil aircraft of the United States, as to its suitability for such use. The Authority is empowered to issue a certificate for any air navigation facility.

AIR AGENCY RATING

SEC. 606. The Authority is empowered to provide for the examination and rating of (1) civilian schools giving instruction in flying, as to the adequacy of the course of instruction, as to the suitability and airworthiness of the equipment, and as to the competency of the instructors; (2) aircraft repair stations; and (3) such other air agencies as may, in its opinion, be necessary in the interest of the public. The Authority is empowered to issue certificates for such schools, repair stations, and other agencies.

AMENDMENT, SUSPENSION, AND REVOCATION OF CERTIFICATES

SEC. 607. The Authority may, from time to time, reinspect any aircraft, aircraft engine, propeller, appliance, air navigation facility, or air agency, may reexamine any airman, and, after investigation, and upon notice and hearing, may alter, amend, modify, or suspend, in whole or in part, any type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facility certificate, or air agency certificate if the interest of the public so requires, or may revoke, in whole or in part, any such certifiate for any cause which, at the time of revocation, would justify the Authority in refusing to issue to the holder of such certificate a like certificate. In cases of emergency, any such certificate may be suspended in whole or in part for a period not in excess of 30 days without regard to any requirement as to notice and hearing. During such period the Authority shall give notice to the holder of such certificate and shall enter upon a hearing which shall be disposed of as speedily as possible. During the pendency of the proceeding, the Authority may further suspend in whole or in part such certificate for an additional period not in excess of 30 days.

PROHIBITIONS

SEC. 608. (a) It shall be unlawful—

(1) For any person to operate or navigate any civil aircraft in air commerce for which there is not currently in effect an airworthiness certificate, or in violation of the terms of any such certificate;

(2) For any person to serve in any capacity as an airman in connection with any civil aircraft used in air commerce, without an airman certificate authorizing him to serve in such capacity, or in violation of the terms of any such certificate;

(3) For any person to employ for service in connection with any civil aircraft used in air commerce, an airman, who does not have an airman certificate authorizing him to serve in the capacity for which he is employed, or in violation of the terms of any such certificate;

(4) For any person to operate as an air carrier without an air carrier operating certificate, or in violation of the terms of any such certificate; and

(5) For any person to operate or navigate aircraft in air commerce in violation of any rule or regulation prescribed by the Authority under section 601 of this act.

Exemptions

(b) Foreign aircraft and airmen serving in connection therewith may, except with respect to the observance by such airmen of the air traffic rules, be exempted from the provisions of subsection (a) of this section, to the extent, and upon such terms and conditions, as may be prescribed by the Authority as being in the interest of the public.

TITLE VII—SAFETY DIVISION

ORGANIZATION OF DIVISION

Appointment of Director and personnel

SEC. 701. (a) There is hereby established in the Authority a Safety Division and, as soon as practicable after the effective date of this section, the President shall appoint, by and with the advice and consent of the Senate, a Director of such Division who shall receive a salary of $6,000 per annum. The Director shall appoint, fix the salaries, and prescribe the duties of such assistants and other employees as he shall deem necessary in exercising and performing his powers and duties under this act. Such of the personnel transferred to the Authority from the Department of Commerce under section 203 of this act as were regularly employed in the investigation and analysis of accidents in air commerce prior to such transfer may, upon request of the Director, be transferred to the Safety Division.

Duties of Director

(b) It shall be the duty of the Director to—

(1) Make rules and regulations, subject to the approval of the Authority, governing notification and report of accidents involving aircraft;

(2) Investigate such accidents and report to the Authority the facts, conditions, and circumstances relating to each accident and the probable cause thereof;

(3) Make such recommendations to the Authority as, in his opinion, will tend to prevent similar accidents in the future; and

(4) Make such reports and recommendations public in such form and manner as may be deemed by him to be in the public interest.

Manner of performance

(c) The Director shall exercise and perform his powers and duties independently of the Authority and shall not be assigned any duties in, or in connection with, any other section or unit of the Authority but the Director shall, upon request of the Authority, conduct studies and investigations on matters pertaining to safety in air navigation and the prevention of accidents.

Temporary personnel

(d) The Director may, without regard to the civil-service laws, engage, for temporary service in the investigation of any accident involving aircraft, persons other than officers or employees of the United States and may fix their compensation without regard to the Classification Act of 1923, as amended; and may, with the consent of the head of the executive department or independent establishment under whose jurisdiction the officer or employee is serving, secure for such service any officer or employee of the United States.

Conduct of investigations

(e) In conducting an investigation, the Director or any other officer or employee of the Safety Division or any other person engaged or secured under subsection (d) of this section shall have the same powers as the examiners or other employees of the Authority have with respect to hearings or investigations conducted by the Authority.

Reports of investigations

(f) No report of the Director, or of the Authority, of any investigation, nor any part of such report or reports, shall be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in such report or reports.

Aircraft

(g) Any aircraft, aircraft engine, propeller, or appliance affected by, or involved in, an accident in air commerce shall be preserved in accordance with, and shall not be moved except in accordance with, regulations prescribed by the Director.

Mr. CROSSER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CROSSER: On page 184, line 15, strike out all of title VII and insert in lieu thereof the following:

"TITLE VII—AIR SAFETY BOARD

"CREATION AND ORGANIZATION OF BOARD

"SEC. 701. (a) Appointment of Board: There is created and established within the Authority an Air Safety Board. Such Board shall consist of three members to be appointed by the President, by and with the advice and consent of the Senate; one member shall be an expert in the design, construction and maintenance of aircraft and aircraft equipment, propellers and appliances, and in the design, construction and maintenance of aircraft engines, equipment and appliances thereof; one shall be an expert in the design, construction, maintenance and operation of communication equipment and other aids and facilities for air navigation; and one shall be a person who (1) at the time of his appointment holds an air-line pilot's license of the highest class, (2) has engaged in regularly scheduled air-line flying within 6 months prior to the date of his appointment, (3) has flown not less than 5,000 hours in regularly scheduled air-line flying, (4) possesses a practical knowledge of construction, maintenance, and operation of aircraft, aircraft engines, communication equipment, and aids to air navigation, and of meteorology, and (5) is not at the time of his appointment, or for 1 year prior thereto has not been, employed by any air carrier as an air-line executive or chief pilot of any class or status.

"Each member of the Board shall be a citizen of the United States and shall continue in office as designated by the President at the time of nomination until the last day of the second, fourth, and sixth calendar years, respectively, following the passage of this act, but their successors shall be appointed for terms of 6 years, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. The Board shall annually elect one of its members as chairman of the Board. Each member of the Board shall receive a salary of $7,500 per annum. Any member may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(b) Personnel: All clerical, technical, and other assistance (including space, office furniture, equipment, and supplies) required by the Board for the performance of its duties shall be provided by the Authority. Any member of the Board may employ temporary technical, stenographic, clerical, or other assistance in connection with field investigations of accidents.

"(c) Authorization of expenditures: Notwithstanding any other provisions of law, the operating and maintenance expense of any aircraft acquired for the use of the Board, and all expenses incurred in the investigation of an accident, shall be allowed upon the presentation of itemized vouchers therefor. The members and assistants of the Board are authorized to travel in the same manner as employees of the Authority.

"(d) Preservation of records and reports: The records and reports of the Board shall be preserved in the custody of the secretary of the Authority in the same manner and subject to the same provision respecting publication as the records and reports of the Authority, except that any publication thereof shall be styled "Air Safety Board of the Civil Aeronautics Authority," and that no part of any report or reports of the Board or the Authority relating to any accident, or the investigation thereof, shall be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in such report or reports.

"POWERS AND DUTIES

"SEC. 702. (a) Specification of duties: The Board shall be charged with the following duties:

"(1) Study of safety: To study safety in air commerce and to collect information relative thereto which may be disseminated as the Authority deems appropriate.

"(2) Investigation of accidents: To make rules, regulations, and instructions, which shall be subject to approval by the Authority before they take effect, governing notification and report of accidents involving aircraft; to investigate and hold necessary hearings respecting such accidents and to report to the Authority the facts, conditions, and circumstances relating to each accident; and to make such recommendations as, in its opinion, will tend to prevent similar accidents in the future. Any aircraft, aircraft engine, propeller, or appliance affected by, or involved in, an accident in air commerce shall be preserved in accordance with, and shall not be moved except in accordance with, regulations prescribed by the Board. The Board shall itself investigate and hold hearings on all accidents in scheduled air transportation, but may assign the investigation and hearing of accidents in other air commerce to such of its assistants as it shall designate.

"(3) Investigation of other safety matters: To conduct hearings and investigations at the direction of the Authority, or on complaints filed with the Air Safety Board on other matters pertaining to safety in air commerce and the prevention of accidents; and to make such recommendations concerning the disposition of such investigations or complaints as to it seems proper in the interest of safety, and such other recommendations as, in its opinion, will tend to promote safety in air commerce.

"(b) Members relieved of other duties: No member of the Board, and no employee of the Authority permanently assigned to the Board, shall be assigned any duties in, or be connected with, any bureau, division, section, or other unit of the Authority.

"(c) Powers: Each member of the Board, and each of its assistants detailed to investigate accidents, shall have the same power to hold and conduct hearings, make investigations, examine accounts and records, and inspect lands, buildings, and equipment as the employees of the Authority.

"(d) Purpose of investigations: The Board shall exercise its powers and duties in respect to investigations, and reports of accidents, for the primary purpose of ascertaining what, if any, changes in laws, rules, regulations, standards, facilities, or operating practices can or should be made to reduce or eliminate the possibility of, or recurrence of similar, accidents in air commerce."

Mr. CROSSER. Mr. Chairman, the purpose of this amendment is to substitute a safety board consisting of three persons for the provision now in the bill for a safety division headed by a so-called safety director, who would be paid a salary of $6,000 per year. It must be obvious to anyone that if a $6,000 a year safety director is required to pass judgment on the work of the Civil Aeronautics Authority, consisting of three members receiving $12,000 per year, he will hesitate in making a report which places on that Authority the blame for any accident which may occur.

We believe that this safety board should consist of three men, one of whom is an expert in airplane construction, airplane engines, and so forth, one of whom is expert in regard to means of communications, radio apparatus, and all similar mechanism, and the third man a practical air pilot having flown at least 5,000 hours and who shall not have been connected as owner or in an executive capacity with an air-line company for at least a year prior to his appointment. Such a board would have the scientific knowledge which would enable it to make such provisions and such recommendations as would reduce to the minimum the danger of serious crashes and accidents.

In the past, investigations have consisted too much in bemoaning unfortunate catastrophes. We have waited until somebody is killed, and then we have an ostentatious investigation, and then we have had a report saying in effect that it is too bad that it has happened. We believe it is important that investigations should be made beforehand; that proper investigations and recommendations should be made by a competent board qualified to say what should be done in the future, not only for the safety of the pilot but for the safety of the traveling public. Everybody knows that one man, a director, who is paid a salary of $6,000 a year would find it difficult, if not impossible, after investigating an accident, to make a report charging the Authority with negligence and holding it responsible for the accident and fatalities. A director of safety, I say, would hesitate to place the blame on the Authority, however clear the proof of the Authority's negligence and responsibility. A safety board consisting of three persons highly qualified would be far more likely to report according to the true facts. Each of the three would feel the moral support of the others when finding it necessary to place the blame on the Authority when it may be responsible. The one man at the head of the safety division proposed by the bill would be in fear of losing his position if he were to make a report blaming the Authority in any way. As already stated, the three persons constituting the safety board proposed by the amendment which I have offered would each feel the moral support of the others, or at least of one other, and so would feel more free to report according to the actual facts. I think provision for a safety board of three would add greatly to the safety of not only the pilot but of the traveling public as well, and I earnestly request the adoption of this amendment.

Mr. LEA. Mr. Chairman, the question presented by the amendment offered by the gentleman from Ohio [Mr. CROSSER] is one that was carefully considered by the Committee. The original provisions in the bill were somewhat similar to those which the gentleman has offered in his amendment. The provisions of the present bill represent the mature and careful judgment of the Committee as to the best way to handle the question of accident investigations. The gentleman's amendment would provide for a board of three members, each to receive $7,500 a year, to have charge of accident investigations and other safety investigations. The authority that we create here, which is to dominate the organization is composed of three members. It would be a very unique thing if under an authority of three we should substitute another board of three. In addition to that, if this amendment were adopted, this safety board would largely duplicate the work we give to the authority.

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. LEA. Yes.

Mr. CROSSER. Is it not a fact that the one-man authority now provided for does exactly the same thing insofar as the authority is concerned? He has the same authority as this, but it is not provided that he shall be an expert, and and there is one man instead of three. The report carries the statement that this one man, the director of safety performs functions which should be exercised by a man independent of those that he is investigating.

Mr. LEA. The amendment offered by the gentleman corrects a number of the most serious objections to his own provisions as originally in the bill, but his provision still contains serious objections. In the first place there is no necessity for a board of three men to take charge of accident investigations. It would create a board out of proportion to the work to be done by it. Under the bill as proposed by the committee the director of safety has the privilege of choosing his own personnel. It does not provide for a permanent standing board other than the one man who is to have charge of the investigation of accidents. There is a very important reason why the committee pursued that course. Mr. Fagg, a man of great ability and experience in aviation, recently the Director of the Bureau of Air Commerce, said his experience with safety convinced him that one of the most important things in providing for safety is to have independent accident investigators.

The general experience has been that where you have the same old board acting time after time on investigations, they lack the thoroughness and energy that is necessary in order to make proper investigations.

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield.

Mr. CROSSER. Does the gentleman think that a man appointed by me to make an investigation would report adversely to me?

Mr. WADSWORTH. The President appoints him.

Mr. LEA. That is the very point; that is the reason the committee should be supported. Under the gentleman's amendment, as I understand it, the personnel of this investigating board is appointed by the authority. This would hamper the board in making reports that might be adverse to the authority. The committee provision creates an independent office, so that the man who fills it could say that the authority, by reason of unreasonable regulation, for instance, was responsible for a particular accident.

Mr. CROSSER. The gentleman must not have read the amendment, for it provides that the safety board shall be appointed by the President.

Mr. LEA. The proposed board is appointed by the President, but the personnel of the board is furnished by the authority, which would result in an interrelationship, a dependence, which is not the case with the amendment reported by the committee. The committee amendment provides for a thorough and independent investigation, so that the investigator can point out that the members of the authority are responsible, if that be the case.

The amendment offered by the gentleman from Ohio also attempts to turn back the pages of legislative practice many years and spell out the specific qualifications of the men who are to fill the jobs. Congress abandoned that general policy many years ago, for it was found that it interfered with selecting the best type of men for the service.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. LEA. The fact that a man may be an expert on planes or engines, that he may be an attorney or an expert on communication equipment, has nothing to do with his ability to make a good executive to have charge of investigations.

Another trouble about appointing a board of three experts is that every time you have an investigation each expert would think that he was the whole thing in his particular line and would attempt to control the other members. Thus you might have one-man judgment. What is needed is a good executive to head the safety investigations, with the right to call in experts, so that the job may be thoroughly and independently done.

Reference is made to the salary. I believe the committee made a mistake, for which I assume my part of the responsibility, in recommending a salary of $6,000. We did that, however, because the one man who has charge of investigations under the Interstate Commerce Commission receives a salary of $6,000. Having in mind the particular

importance of taking care of accident investigations in air commerce I believe the salary should be $7,500, I propose to offer an amendment to that effect today before we leave this section.

Another feature of this provision I would call to the attention of the House, not because I have any particular interest in it but because it involves an important question of policy. You will recall that in the provisions as to the authority the committee provided a limitation on the right of the President to remove members of the authority. We did this because we accepted the law in the Humphrey case under which a purely quasi-judicial or legislative group acting for Congress for regulatory purposes should be independent and may properly not be removable by the President except for cause. However, the provision in the pending amendment which permits the President to remove only for cause refers to an executive officer. The members of the proposed air safety board have executive functions to perform, and are appointed by the President. Yet the amendment would place a limitation on the President's power to remove these members. This, in my judgment, is unconstitutional. This important legislation might possibly be vetoed because it is unconstitutional. We should not invite that trouble.

My friend the gentleman from New York [Mr. WADSWORTH], to whom I want to pay tribute as being the type of man, as illustrated in this legislation, who is an honor to the Congress of the United States—I think will agree with me that it is an improper limitation on the power of the President to include this provision against removal. The gentleman from New York agreed with me that we could properly place that limitation on the independent authority because it is a regulatory body that is acting for Congress, but we cannot properly place this limitation on an executive officer or a board acting in an executive capacity.

One further objection is that this safety board, outside of investigating the detailed accidents, duplicates the power we have already given to the authority. In other words, we create two bodies with very similar functions in the same organization. This, of course, should not be permitted to creep into legislation. The general investigating power under the amendment offered by the gentleman from Ohio and under the House bill rests with the authority. Under the gentleman's amendment general investigatory power would also be given to the board he would set up. The authority has the right under the bill recommended by the committee to compel the director of safety to make any general investigation that it sees fit. It is the duty of the director of safety on his own account to investigate accidents, while the amendment proposed here would give general authorization to both the authority and the director of safety.

[Here the gavel fell.]

Mr. O'CONNELL of Montana. Mr. Chairman, I move to strike out the last word.

Mr. LEA. Will the gentleman yield for a unanimous-consent request?

Mr. O'CONNELL of Montana. I yield to the gentleman from California.

Mr. LEA. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. O'CONNELL of Montana. Mr. Chairman, the proposal of the gentleman from Ohio [Mr. CROSSER] has the endorsement of the Air Line Pilots' Association. I think that anyone who has studied the history of the various crash disasters that we have had in the United States air-line industry realizes that the industry has in every possible way attempted to put the fault or responsibility for these accidents on the pilots. The reason the pilots request an air safety board composed of three members rather than a director is that there may be a representation of all the interests involved. They very specifically set up the qualifications of these three members of the board.

I do not know by what logic or by what reasoning the distinguished chairman of the Committee on Interstate and Foreign Commerce arrived at the conclusion that you should not set out the qualifications of these members, that it is a bad thing to do. I think it is high time for the Congress of the United States to decide the qualifications of the various men that they put on these boards.

The qualifications are set out in the Crosser amendment and the various interests are represented on this board, and most important of all, it provides that the pilots shall have some representation on the safety board. These pilots are involved. These men who have to watch the hundreds of instruments on the panel boards of these planes, these men who actually do the flying, these men who actually know what takes place when a crash occurs, certainly should have representation on a board of this kind. With respect to the two other members, I feel certain the Congress should state their qualifications.

Mr. Chairman, it is said that each one of these three members will think his expert advice is the only one to be followed, that his advice is the best, that his recommendations are the only ones that should be taken. However, I feel it is far better to have three men who will be able to check on each other, three men who will be able to point out the various mistakes that each one would probably make, than one man. Every man is human. Every man will make mistakes. Every man cannot possibly have the detailed intelligence, experience, and education necessary to go into all the factors involved. I think it is a good thing to have the three men checking on each other.

Answering the objection that you are going to have a three-man board under another three-man board, may I say that the most important thing to the development and the future of the air industry is the question of safety. The keystone of the whole situation is the matter of safety. The American people want to ride in the air. The American people want to patronize the air lines. The thing that deters them is the matter of safety. It is important to have a board which can give its entire time to the matter of safety, so that it may be removed from these other questions. Instead of having just a three-man board which will have the matter of permits, the matter of convenience, the matter of necessity and all the various executive duties, we should provide a board to take care of the safety matter, alone.

This is merely a matter of policy, a matter of judgment, but I think it is common sense to have three men who will be able to study this all-important question, which means more to the development and future of the industry than anything else. I sincerely hope the Members will follow the recommendation of the Air Line Pilots' Association in this matter and trust you will also follow the brilliant and splendid leadership of the gentleman from Ohio [Mr. CROSSER].

[Here the gavel fell.]

Mr. WADSWORTH. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, if the members of the Committee will turn to page 175, they will find "Title VI—Civil aeronautics safety regulations—General safety powers and duties."

SEC. 601. The authority is empowered and it shall be its duty (a) to promote safety of flying in air commerce by prescribing and revising from time to time—

And then there is a long list of things which the authority must do and functions which the authority must perform in the interest of safety. This will be found on pages 175 and 176. Therefore this bill without the amendment of the gentleman from Ohio [Mr. CROSSER] already takes care of every conceivable investigation into the element of safety.

The amendment offered by the gentleman from Ohio confides similar functions to a new board below the upper board, so to speak, and you will have duplication the moment it goes into operation. The committee, as the Chairman stated, established in the bill the office of director of safety, who

has to be appointed by the President. He is completely independent of the authority or its members. His sole function is to report on accidents. It might be said he corresponds to the Inspector General of the Army. When something goes wrong at an Army post, or if something goes wrong on a battlefield, and inspection is needed, the Inspector General sends an inspector. He is completely independent of the officer he is investigating. He is completely independent of the division commander and the corps commander. He is answerable only to the Inspector General, and be he only a captain or major, he comes back and makes an independent report.

Mr. Chairman, we want accidents reported in that spirit. Immediately on receiving word that an airplane has crashed the safety director wires his inspectors to get to the scene as soon as they can, and in this connection an outsider may be brought in also, so that the three of them may pass on the accident and determine what caused it if the cause can be ascertained.

He then makes that report to the authority, which in the meantime has laid down rules for safety. If his report shows the rules for safety are not adequate, they cannot bulldoze the director for making that critical report. We believe we have provided for the independence of the director, making him completely independent of the authority, for quick action under one single head without waiting for the convening of three board members.

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from Ohio.

Mr. CROSSER. Is there any more independence in the one than there would be in the three?

Mr. WADSWORTH. Yes; because, as I recall the gentleman's amendment, he provides that the personnel which is to serve the safety board shall be assigned to it by the authority. Whose servants are they?

Mr. CROSSER. The safety board is appointed by the President.

Mr. WADSWORTH. The safety board is, but the personnel to be assigned to it is to be assigned not by the safety board but by the authority, and the personnel will do the inspecting. And where would the personnel get their jobs? They would get them from the authority. That is just the thing we do not want.

[Here the gavel fell.]

Mr. DONDERO. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I have listened with a great deal of interest to the debate on this bill, particularly as it relates to the setting up of new boards, commissions, and bureaus. On page 121 of the bill we find set up an authority consisting of three members with salaries of $10,000 each, and also directors at $7,500, and chief counsel and engineers at $9,000 each, and other personnel. Two other boards have been proposed this afternoon to be set up inside that board. Everybody in this House knows that when a board or commission is established in the city of Washington and takes root you rarely if ever hear of that board or commission being abolished. It remains here as a parasite on the body politic and adds to the cost of Government that bears down on the backs of the people.

I hold in my hand a little black book that contains the platforms of the two major political parties in 1932 and 1936, and I notice on page 336 what the platform of the Democratic Party promised to the people of this country by way of abolishing boards and useless commissions to the extent of cutting down the cost of government at least 25 percent. You have an opportunity here this afternoon to carry out that pledge to the American people by voting down every proposal for setting up other boards or bureaus under this bill and leaving the whole subject of aeronautics with the Interstate Commerce Commission.

I want to read three or four lines of this platform to the House, with no idea whatever of being partisan or of injecting politics into this debate, but simply to bring to the attention of the House what was promised to the people, and then compare that with what we do in this House or propose to do under this bill.

> We believe that a party platform is a covenant with the people to be faithfully kept.

No one here disagrees with that statement. Then, listen to this:

> The Democratic Party solemnly promises by appropriate action to put into effect the principles, policies, and reforms herein advocated. We advocate an immediate and drastic reduction of governmental expenditures by abolishing useless commissions and offices, consolidating departments and bureaus, and eliminating extravagance, to accomplish a saving of not less than 25 percent in the cost of Federal Government.

We all subscribe to that statement and agree with it. This bill sets up a new authority and board with great expense to the Government and with salaries fixed at $10,000 annually. I ask you this afternoon, when you come to vote on the motion to recommit, to support it and thereby show that you are willing to carry out what you promised the people in 1932. [Applause.]

[Here the gavel fell.]

Mr. CROSSER. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, let me read just a few lines from an editorial in the Washington Herald of May 9:

> Unless aviation is going to be made as safe as humanly possible, it is not entitled to further support from either Government or public. Unless the safety board asked by the pilots is included in its organization, the new project will go the way of all the others, into disrepute and discard.

They tell us it is not necessary to have experts to act on this matter of safety. I hold in my hand a copy of yesterday's paper, the News of May 17, with this headline:

> New air liner lost. Nine persons aboard.

The sister ship of this air liner was lost just a few weeks ago. Investigation has proven conclusively that it was because a fixture on the tail of the plane became detached and therefore caused the plane to somersault and fall to the ground, killing all aboard. The part of the tail was found a long distance from the place where the plane was found, so that it was clear that the defect in construction of the tail of the plane caused the wreck. They have not found the plane that was lost yesterday, but I believe that it will be found that exactly the same thing has happened. We are told, nevertheless, that it is not necessary to have an expert safety board; not necessary to have experts who know about the technical construction of airplanes and the engines that go into airplanes. In my opinion, nothing can be more important than the greatest precaution for safety. We should also have persons who understand and are expert in the use of the instruments of communication on large airships. These men should be familiar with radio and understand thoroughly the use of such instruments. Finally, we must have men who understand the practical business of flying and who have spent at least 5,000 hours in the air as first-class pilots and have a knowledge of meteorology. Such a safety board could do much to add to the safety not only of the pilots but of the traveling public.

We cannot afford to haggle about a few dollars when human life is at stake. I say we cannot do too much to provide for the safety of the traveling public and of the pilots who sail these ships both day and night, in good weather and bad weather.

Mr. Chairman, if there should be but one person whose duty it is to make reports as to the cause of accidents, he would hesitate to place the blame on the Authority itself, even if it shall have failed to provide for proper inspection, shall have failed to make proper rules for making flights, and proper meteorological observations and studies. Three members of a safety board, skilled and scientific persons, would, on the other hand, give each other moral support in reporting adversely to the supreme Civil Aeronautics Authority if the facts should require them to do so. They would not be afraid of being dismissed, as would be the case with one man. Let us provide a safety board consisting of three

men, scientific men and practical men as well, any two of whom would constitute a majority, and we will all be assured of the truth, whereas one man might be threatened with punishment, so that he would not feel free to say what he might regard as the cause of an airplane disaster.

I sincerely trust that this reasonable amendment for the protection of the public and for the protection of the pilots may be adopted. [Applause.]

[Here the gavel fell.]

The CHAIRMAN (Mr. DEROUEN). The question is on the amendment offered by the gentleman from Ohio [Mr. CROSSER.]

The question was taken; and on a division (demanded by Mr. CROSSER); there were—ayes 24, noes 52.

Mr. CROSSER. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. LEA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEA: On page 184, line 22, strike out "$6,000" and insert "$7,500".

Mr. LEA. Mr. Chairman, this is an amendment which would raise the salary of the Director of Safety from $6,000 to $7,500.

The amendment was agreed to.

The Clerk read as follows:

TITLE VIII—OTHER ADMINISTRATIVE AGENCIES

THE PRESIDENT OF THE UNITED STATES

SEC. 801. (a) The issuance, denial, transfer, amendment, cancelation, suspension, or revocation of any certificate authorizing an air carrier to operate in overseas or foreign air transportation or air transportation between places in the same Territory or possession, shall be subject to the approval of the President.

(b) The terms, conditions, and limitations contained in any certificate authorizing an air carrier to operate in overseas or foreign air transportation or air transportation between places in the same Territory or possession, shall be subject to the approval of the President.

(c) The issuance, denial, transfer, amendment, cancelation, suspension, or revocation of any permit under section 403 shall be subject to the approval of the President.

(d) The terms, conditions, and limitations contained in any permit issued under section 403 shall be subject to the approval of the President.

(e) Subsections (a), (b), (c), and (d) of this section shall not apply to the issuance or denial of any certificate issuable under section 402 (e) or any permit issuable under section 403 (c) or to the original terms, conditions, or limitations of any such certificate or permit.

THE DEPARTMENT OF STATE

SEC. 802. Whenever the Authority and the Secretary of State shall determine, restricting their determination to the aspects of the public interest involved in the discharge of their respective functions, that the public interest requires agreements to be negotiated with foreign governments for the establishment or development of air navigation, including air routes and services, the Secretary of State shall initiate and conduct such negotiations and conclude such agreements as may be satisfactory to the Authority and to the President.

THE POST OFFICE DEPARTMENT

Application for mail service

SEC. 803. (a) Whenever, from time to time, the Postmaster General shall find that the needs of the Postal Service require the transportation of mail by aircraft, in addition to such transportation of mail authorized in certificates then currently effective, between any points within the United States or between the United States (including the Philippine Islands) and foreign countries, the Postmaster General shall certify such finding to the Authority and file therewith a statement showing such additional service and the facilities necessary in connection therewith, and a copy of such certification and statement shall be posted for at least 20 days in the office of the secretary of the Authority. The Authority shall, after notice and hearing, and if required by the public convenience and necessity, make provision for such additional service, and the facilities necessary in connection therewith, by issuing a new certificate or certificates or by amending an existing certificate or certificates in accordance with the provisions of section 402 of this act.

Weighing mail

(b) The Postmaster General may weigh the mail transported by aircraft and make such computations for statistical and administrative purposes as may be required in the interest of the mail service. The Postmaster General is authorized to employ such clerical and other assistance as may be required in connection with proceedings under this act. If the Authority shall determine that it is necessary or advisable, in order to carry out the provisions of this act, to have additional and more frequent weighing of the mails, the Postmaster General, upon request of the Authority, shall provide therefor in like manner, but such weighing need not be for continuous periods of more than 30 days.

Performance of mail service

(c) Air carriers transporting or handling United States mail shall submit, under oath, when and in such form as may be required by the Postmaster General, evidence of the performance of mail service, and air carriers transporting or handling foreign mail shall submit, under oath, when and in such form as may be required by the Postmaster General, evidence of the amount of mail so carried, and the compensation payable and received therefor.

Postal arrangements

(d) (1) Nothing in this act shall be deemed to abrogate or affect any arrangement made by the United States with the postal administration of any foreign country with respect to transportation of mail by aircraft, or to impair the authority of the Postmaster General to enter into any such arrangement with the postal administration of any foreign country.

(2) The Postmaster General may, in any case where service may be necessary by a person not a citizen of the United States who may not be obligated to transport the mail for a foreign country, make arrangements, without advertising, with such person for transporting mail by aircraft to or within any foreign country.

Payment to foreign air carriers

(e) In any case where air transportation is performed between the United States (including the Philippine Islands) and any foreign country, both by aircraft owned or operated by one or more air carriers and by aircraft owned or operated by one or more foreign air carriers, the Postmaster General shall not pay to or for the account of any such foreign air carrier for transporting mail by aircraft between the United States (including the Philippine Islands) and such foreign country, a rate of compensation which in his opinion will result (over such reasonable period as the Postmaster General may determine taking account of exchange fluctuations and other factors) in such foreign air carrier receiving a higher rate of compensation for transporting such mail than such foreign country pays for transporting its mail by aircraft by air carriers between such foreign country and the United States (including the Philippine Islands) or receiving a higher rate of compensation for transporting such mail than a rate determined by the Postmaster General to be comparable to the rate such foreign country pays for transporting its mail by aircraft by air carriers between such foreign country and an intermediate country on the route of such air carrier between such foreign country and the United States (including the Philippine Islands).

Tender of mail

(f) From and after the issuance of any certificate authorizing the transportation of mail by aircraft, the Postmaster General shall tender mail to the holder thereof to the extent required by the Postal Service for transportation between the points named in such certificate for the transportation of mail; and such mail shall be transported by the air carrier holding such certificate in accordance with such rules, regulations, and requirements as may be promulgated by the Postmaster General under this section.

Postal regulations

(g) The Postmaster General is authorized to make such rules and regulations, not inconsistent with any order, rule, or regulation made by the Authority under the provisions of this act, as may be necessary for the safe and expeditious carriage of mail by aircraft.

Availability of appropriations

(h) Except as otherwise provided in subsection (i) of this section, all appropriations for the transportation of mail by aircraft pursuant to contracts entered into under the Air Mail Act of 1934, as amended, and all appropriations available for the transportation of mail by aircraft in Alaska, shall be available, in addition to the purposes stated in such appropriations, for the payment of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between points in the continental United States or between points in Hawaii or in Alaska or between points in the continental United States and points in Canada within 150 miles of the international boundary line. Except as otherwise provided in subsection (i) of this section, all appropriations for the transportation of mail by aircraft pursuant to contracts entered into under the act of March 8, 1928, as amended, shall be available, in addition to the purposes stated in such appropriations, for payment to be made by the Postmaster General pursuant to section 408 (b) of this act in respect of the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between points in the United States and points outside thereof, or between points in the continental United States and Territories or possessions of the United States, or between Territories or possessions of the United States.

Emergency mail service

(i) In the event of emergency caused by flood, fire, or other calamitous visitation, the Postmaster General is authorized to contract, without advertising, for the transportation by aircraft of any or all classes of mail to or from localities affected by such calamity, where available facilities of persons authorized to transport mail to or from such localities are inadequate to meet the requirements

of the Postal Service during such emergency. Such contracts may be only for such periods as may be necessitated, for the maintenance of mail service, by the inadequacy of such other facilities. No operation pursuant to any such contract for such period shall be air transportation within the purview of this act. Payment of compensation for service performed under such contracts shall be made, at rates provided in such contracts, from appropriations for the transportation of mail by the means normally used for transporting the mail transported under such contracts.

Mr. LEA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEA: On page 194, line 7, after the word "contracts", insert the following new subsection:

"(j) The Postmaster General may require any air carrier authorized to transport mail to transport on any aircraft it operates without charge the following officers and employees of the Post Office Department upon the exhibit of their credentials: The Postmaster General, the Assistant Postmaster General in charge of the transportation of mail by aircraft, his deputy, the superintendent of air mail, and such postal inspectors as the Postmaster General may deem necessary and designate."

Mr. LEA. Mr. Chairman, this is a committee amendment. In substance, it provides for free passage of certain officers of the Post Office Department in connection with their duties. The committee adopted this amendment after the original bill was reported. I offer it today pursuant to the authority of the committee. It makes provision similar to what already exists in reference to railroads and ships.

Mr. MEAD. Mr. Chairman, I have a substitute amendment pending at the desk which I now offer.

The CHAIRMAN. The gentleman from New York offers a substitute for the amendment offered by the gentleman from California, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MEAD as a substitute for the amendment offered by Mr. LEA: On page 194, after line 7, insert the following new paragraph reading as follows:

"(j) Free travel for postal employees: Every air carrier carrying the mail shall carry on any plane it operates without extra charge therefor the persons in charge of the mails when on duty and traveling to and from duty and all duly accredited agents and officers of the Post Office Department and post-office inspectors while traveling on official business upon the exhibition of their credentials."

Mr. MEAD. Mr. Chairman, this substitute amendment which I have offered permits any postal official to travel on the air-mail lines. In this connection it extends the authority contained in the amendment offered by the chairman of the committee, but it is also more restrictive in that it requires that the travel be done while on official business. In view of the fact that the Department enjoys similar privileges from all other forms of transportation—steamships, airplanes, railroads, star routes—it occurs to me it should have the privilege here. Travel of this character is needed. It is necessary at times to rush inspectors to the scene of a crash. There are occasions when other postal officials must travel in connection with the inspection of buildings at air fields.

There may be occasions when it will be necessary for an Assistant Postmaster General, or someone delegated by him, to make a hurried trip under emergency circumstances to some remote part of the country. Therefore I ask the chairman of the committee to consider my substitute for the amendment he has offered.

Mr. LEA. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Yes.

Mr. LEA. Do I understand that the gentleman's amendment confines the privilege to those engaged in official business?

Mr. MEAD. Yes; while traveling on official business only.

Mr. LEA. Mr. Chairman, in that respect the amendment of the gentleman is better than the one that the committee has offered. The committee amendment was drawn rather hurriedly. The amendment of the gentleman from New York also slightly increases the number as to personnel?

Mr. MEAD. Yes; it does. The gentleman is correct.

Mr. LEA. As to the other clause, it confines the travel to those while engaged on official business. Personally I have no objection to substituting this amendment, but I have no authority to speak for the committee.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York to the amendment offered by the gentleman from California.

The substitute was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from California as amended by the substitute offered by the gentleman from New York.

The amendment was agreed to.

Mr. MEAD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MEAD: Page 194, between lines 6 and 7, insert the following:

"EXPERIMENTAL AIR-MAIL SERVICE

"(k) Nothing contained in this act shall be construed to repeal in whole or in part the provisions of sections 1 and 2 of the act entitled 'An act to provide for experimental air-mail service to further develop safety, efficiency, economy, and for other purposes,' approved April 15, 1938 (Public, No. 486, 75th Cong., ch. 157, 3d sess.). The transportation of mail under contracts entered into under such sections shall not, except for sections 402 (n) and (o), be deemed to be 'air transportation' as used in this act."

Mr. MEAD. Mr. Chairman, on April 15 the President of the United States signed what is known as the Experimental Air Mail Act. This amendment I am offering merely carries forth the provisions of that law. Were it not for this amendment that law might be vitiated or nullified. Therefore this amendment merely protects that law.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Yes; I yield.

Mr. RANDOLPH. I think it highly proper that the gentleman should offer this amendment to keep intact the law which Congress put into effect. In my own State the experimental air-mail service, from the standpoint of a plane coming down and picking up and delivering mail from a so-called scaffold, without landing at the airport, is something that is rapidly being developed; and in a mountain terrain, and where we have few airports, we will find the development of that type of service is of very great value to the increasing importance of air-mail dispatch.

Mr. MEAD. I agree with the statement made by the gentleman from West Virginia; and in view of the fact that the Congress has already adopted this law I trust it will be acceptable to the Committee.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LEA. Mr. Chairman, without any authority from our committee, as long as this amendment does not involve passengers and express, I can see no objection to it. It merely confirms what Congress has already done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York

The amendment was agreed to.

The Clerk read as follows:

TITLE IX—PENALTIES

CIVIL PENALTIES

Safety and postal offenses

SEC. 901. (a) Any person who violates (1) any provision of titles V, VI, and VII of this act, or any provision of subsection (a) (1) of section 11 of the Air Commerce Act of 1926, as amended, or (2) any rule or regulation issued by the Postmaster General under section 803 (g), shall be subject to a civil penalty of $500 for each such violation. The amount of such penalty, when finally determined, may be deducted from any sums owing by the United States to the person charged.

Remission and mitigation

(b) Any penalty incurred under the provisions of the foregoing subsection may be remitted or mitigated by order of the Authority or the Postmaster General, as the case may be, in accordance with such proceedings as may be prescribed by the Authority or the Postmaster General, as the case may be. An application for remission or mitigation shall not constitute an admission of the violation charged. Any order of the Authority, or the Postmaster General, as the case may be, under this subsection remitting or mitigating a penalty shall be a final determination of the liability to the United States of the person charged unless such person files with the Authority, or the Postmaster General, as the case may be, an exception to such order within 20 days, or if such person is beyond the continental limits of the United States, within 60 days, after service thereof has been made. No court shall have jurisdiction to review any such determination when thus made

final. In case libel proceedings are pending at any time during the pendency of remission or mitigation proceedings, notice thereof shall be given to the United States attorney prosecuting the libel proceedings.

Procedure

(c) (1) Any civil penalty imposed under this section may be collected by proceedings in personam against the person subject to the penalty and, in case the penalty is a lien, by proceedings in rem against the aircraft, or by either method alone.

(2) Such proceedings shall conform as nearly as may be to civil suits in admiralty, except that either party may demand trial by jury of any issue of fact, if the value in controversy exceeds $20, and the facts so tried shall not be reexamined other than in accordance with the rules of the common law.

(3) The fact that in a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States shall not be held in any way to limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty.

(4) The Supreme Court of the United States, and under its direction other courts of the United States, may prescribe rules regulating such proceedings in any particular not provided by law.

Liens

(d) (1) In case the violation incurring the penalty, except a violation of a rule or regulation issued by the Postmaster General under section 803 (g) of this act, is by the owner or person in command of the aircraft, the penalty shall be a lien against the aircraft.

(2) Any aircraft subject to such lien may be summarily seized by and placed in the custody of such persons as the Authority may by regulation prescribe, and a report of the cause shall thereupon be transmitted to the United States attorney for the judicial district in which the seizure is made.

(3) The United States attorney shall promptly institute proceedings for the enforcement of the lien or notify the Authority of his failure so to act.

Release from custody

(e) The aircraft shall be released from such custody upon—

(1) payment of the penalty or so much thereof as is not remitted or mitigated; or

(2) seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien, or notification by the United States attorney of failure to institute such proceedings; or

(3) deposit of a bond in such amount and with such sureties as the Authority may prescribe, conditioned upon the payment of the penalty or so much thereof as is not remitted or mitigated.

CRIMINAL PENALTIES

False certificates

SEC. 902. (a) Any person who knowingly and willfully forges, counterfeits, alters, or falsely makes any certificate authorized to be issued under this act, or knowingly uses or attempts to use any such fraudulent certificate, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not exceeding $1,000 or imprisonment not exceeding 3 years, or both such fine and imprisonment.

Interference with air navigation

(b) A person shall be subject to a fine of not exceeding $5,000 or to imprisonment not exceeding 5 years, or to both such fine and imprisonment who—

(1) with intent to interfere with air navigation within the United States, exhibits within the United States any light or signal at such place or in such manner that it is likely to be mistaken for a true light or signal established pursuant to this act, or for a true light or signal in connection with an airport or other air navigation facility; or

(2) after due warning from the Administrator, continues to maintain any misleading light or signal; or

(3) knowingly removes, extinguishes, or interferes with the operation of any such true light or signal.

General

(c) Any person who knowingly and willfully violates any provision of this act (except titles V, VI, and VII), or any order, rule, or regulation issued under any such provision or any term, condition, or limitation of any certificate or permit issued under title IV, for which no penalty is otherwise herein provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject for the first offense to a fine of not more than $500, and for any subsequent offense to a fine of not more than $2,000. If such violation is a continuing one, each day of such violation shall constitute a separate offense.

Granting rebates

(d) Any air carrier or foreign air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, offer, grant, or give, or cause to be offered, granted, or given any rebate, or other concession in violation of the provisions of this act, or who, by any device or means, shall, knowingly and willfully, assist, or shall willingly suffer or permit any person to obtain transportation or services subject to this act at less than the rates, fares, or charges lawfully in effect, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject for each offense to a fine of not less than $100 and not more than $5,000.

Accounts, records, and reports

(e) Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse to make a report to the Authority as required by this act, or to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Authority, or shall, knowingly, and willfully, falsify, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully file any false report, account, record, or memorandum, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than $100 and not more than $5,000.

Divulging of information

(f) If any member, officer, or employee of the Authority, the Administrator, or the Director of the Safety Division or any employee thereof, shall knowingly and willfully divulge any fact or information which may come to his knowledge during the course of an examination of the accounts, records, and memoranda of any air carrier, or which is withheld from public disclosure under section 413 (f) of this act, except as he may be directed by the Authority or by a court of competent jurisdiction or a judge thereof, he shall upon conviction thereof be subject for each offense to a fine of not more than $5,000 or imprisonment for a term not exceeding 2 years, or both.

Mr. LEA. Mr. Chairman, I offer an amendment.

Amendment offered by Mr. LEA: Page 200, line 11, strike out the figures "413" and insert in lieu thereof the figures "414."

Mr. LEA. Mr. Chairman, the purpose of the amendment is simply to correct a cross reference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

VENUE OF OFFENSES

SEC. 903. The trial of any offense under this act shall be in the district in which such offense is committed; or if the offense is committed upon the high seas, or out of the jurisdiction of any particular State or district, the trial shall be in the district where the offender may be found or into which he shall be first brought. Whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

TITLE X—PROCEDURE

CONDUCT OF PROCEEDINGS

SEC. 1001. The Authority may conduct its proceedings in such manner as will be conducive to the proper dispatch of business and to the ends of justice. No member of the Authority shall participate in any hearing or proceeding in which he has a pecuniary interest. Any party may appear before the Authority and be heard in person or by attorney. Every vote and official act of the Authority shall be entered of record, and its proceedings shall be public upon the request of any party interested. The Authority is authorized to withhold publication of records or proceedings containing secret information affecting national defense.

INVESTIGATIONS

Upon complaint

SEC. 1002. (a) The Authority is empowered to consider any complaint made by any person with respect to anything done or omitted to be done by any person in contravention of any provision of this act or of any requirement established pursuant hereto. Upon such complaint the Authority may investigate whether any such person has failed to comply with any such provision or requirement. If the Authority, after notice and hearing, finds that such person has failed to comply with any such provision or requirement, the Authority shall issue an appropriate order to compel such person to comply therewith. Whenever the Authority is of the opinion that any complaint does not state facts which warrant an investigation and action on its part, it may dismiss such complaint without hearing.

Upon motion of Authority

(b) The Authority is empowered at any time to institute an investigation, on its own initiative, in any case and as to any matter or thing concerning which complaint is authorized to be made to or before the Authority by any provision of this act, or concerning which any question may arise under any of the provisions of this act, or relating to the enforcement of any of the provisions of this act. The Authority shall have the same power to proceed with any investigation instituted on its own motion as though it had been appealed to by complaint under any of the provisions of this act, including the power to make any order or orders in the case, or relating to the matter or thing concerning which the investigation is made.

Reports

(c) Whenever an investigation shall be made by the Authority, it shall make a report in writing with respect thereto. All reports of investigations made by the Authority shall be entered of record,

and a copy thereof shall be furnished to the party who may have complained, and to any other person that may have been complained of.

COOPERATION WITH STATE AERONAUTICS AGENCIES

SEC. 1003. The Authority is empowered to confer with or to hold joint hearings with any State aeronautics agency, or other State agency in connection with any matter arising under this act. The Authority is also empowered to avail itself of the cooperation, services, records, and facilities of such State authorities as fully as may be practicable in the enforcement or administration of this act.

JUDICIAL REVIEW

Authority to review

SEC. 1004. (a) Any order, affirmative or negative, issued by the Authority under this act, except an order subject to the approval of the President under subsection (c) or (d) of section 801, shall be subject to review by the circuit courts of appeals of the United States or the United States Court of Appeals for the District of Columbia upon petition, filed within 60 days after the entry of such order, by any person disclosing a substantial interest in such order. After the expiration of said 60 days a petition may be filed only by leave of court upon a showing of reasonable grounds for failure to file the petition theretofore.

Venue

(b) A petition under this section shall be filed in the court for the circuit wherein the petitioner resides or has his principal place of business or in the United States Court of Appeals for the District of Columbia.

Filing of transcript

(c) A copy of the petition shall, upon filing, be forthwith transmitted to the Authority by the clerk of the court and the Authority shall thereupon certify and file in the court a transcript of the record, if any, upon which the order complained of was entered.

Jurisdiction

(d) Upon transmittal of the petition to the Authority, the court shall have exclusive jurisdiction to affirm, modify, or set aside the order complained of, in whole or in part, and if need be, to order further proceedings by the Authority. Upon good cause shown, interlocutory relief may be granted by stay of the order or by such mandatory or other relief as may be appropriate: *Provided*, That no interlocutory relief may be granted except upon at least 5 days' notice to the Authority.

Findings of fact

(e) The findings of facts by the Authority, if supported by substantial evidence, shall be conclusive. No objection to an order of the Authority shall be considered by the court unless such objection shall have been urged before the Authority or, if it was not so urged, unless there were reasonable grounds for failure to do so.

Certification or certiorari

(f) The judgment and decree of the court affirming, modifying, enforcing, or setting aside any such order of the Authority shall be final, subject to review by the Supreme Court of the United States upon certification or certiorari as provided in sections 239 and 240 of the Judicial Code.

JUDICIAL ENFORCEMENT

Jurisdiction of court

SEC. 1005. (a) If any person violates any provision of this act, or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit issued under this act, the Authority, its duly authorized agent, or, in the case of a violation of section 402 (a) of this act, any party in interest, may apply to the district court of the United States, for any district wherein such person carries on his business or wherein the violation occurred, for the enforcement of such provision of this act, or of such rule, regulation, requirement, order, term, condition, or limitation; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining such person, his officers, agents, employees, and representatives, from further violation of such provision of this act or of such rule, regulation, requirement, order, term, condition, or limitation, and enjoining upon them obedience thereto.

Application for enforcement

(b) Upon the request of the Authority it shall be the duty of any district attorney of the United States to whom the Authority may apply to institute in the proper court and to prosecute under the direction of the Attorney General all necessary proceedings for the enforcement of the provisions of this act or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, and for the punishment of all violations thereof, and the costs and expenses of such prosecutions shall be paid out of the appropriations for the expenses of the courts of the United States.

EVIDENCE

Power to take evidence

SEC. 1006. (a) Any member or examiner of the Authority, when duly designated by the Authority for such purpose, may hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Authority. In all cases heard by an examiner or a single member the Authority shall hear oral arguments on request of either party.

Power to issue subpena

(b) For the purposes of this act the Authority shall have the power to require by subpena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation. Witnesses summoned before the Authority shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

Enforcement of subpena

(c) The attendance of witnesses, and the production of books, papers, and documents, may be required from any place in the United States, at any designated place of hearing. In case of disobedience to a subpena the Authority, or any party to a proceeding before the Authority, may invoke the aid of any court of the United States in requiring attendance and testimony of witnesses and the production of such books, papers, and documents under the provisions of this section.

Contempt

(d) Any court of the United States within the jurisdiction of which an inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear before the Authority (and produce books, papers, or documents if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Depositions

(e) The Authority may order testimony to be taken by deposition in any proceeding or investigation pending before it at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Authority and having power to administer oaths. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same maner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Authority, as hereinbefore provided.

Method of taking depositions

(f) Every person deposing as herein provided shall be cautioned and shall be required to swear (or affirm, if he so request) to testify the whole truth, and shall be carefully examined. His testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed to by the deponent. All depositions shall be promptly filed with the Authority.

Foreign depositions

(g) If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken, provided the laws of the foreign country so permit, by a consular officer or other person commissioned by the Authority, or agreed upon by the parties by stipulation in writing to be filed with the Authority, or may be taken under letters rogatory issued by a court of competent jurisdiction at the request of the Authority.

Fees

(h) Witnesses whose depositions are taken as authorized in this act, and the persons taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States: *Provided*, That with respect to commissions or letters rogatory issued at the initiative of the Authority, executed in foreign countries, the Authority shall pay such fees, charges, or expenses incidental thereto as may be found necessary, in accordance with regulations on the subject to be prescribed by the Authority.

Compeling testimony

(i) No person shall be excused from attending and testifying, or from producing books, papers, or documents before the Authority, or in obedience to the subpena of the Authority, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this act, or of any rule, regulation requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, on the ground, or for the reason, that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Penalty for refusal to testify

(j) Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, or documents, if in his power to do so, in obedience to the subpena or lawful requirement of the Authority, shall be guilty

of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than $100 nor more than $5,000, or imprisonment for not more than 1 year, or both.

JOINDER OF PARTIES

SEC. 1007. In any proceeding for the enforcement of the provisions of this act, or any rule, regulation, requirement or order thereunder, or any term, condition, or limitation of any certificate or permit, whether such proceedings be instituted before the Authority or be begun originally in any court of the United States, it shall be lawful to include as parties, or to permit the intervention of, all persons interested in or affected by the matter under consideration, and inquiries, investigations, orders, and decrees may be made with reference to all such parties in the same manner, to the same extent, and subject to the same provisions of law as are or shall be authorized with respect to the person primarily concerned.

SERVICE

Designation of agent for service

SEC. 1008. (a) It shall be the duty of every air carrier within 60 days after the effective date of this section to designate in writing an agent upon whom service of all notices and process and all orders, decisions, and requirements of the Authority may be made for and on behalf of said air carrier, and to file such designation in the office of the secretary of the Authority, which designation may from time to time be changed by like writing similarly filed. Service of all notices and process and orders, decisions, and requirements of the Authority may be made upon such air carrier by serving such agent at his office or usual place of residence with like effect as if made personally upon such air carrier, and in default of such designation of such agent, service of any notice or other process in any proceeding before said Authority, or of any order, decision, or requirement of the Authority, may be made by posting such notice, process, order, requirement, or decision in the office of the secretary of the Authority.

Other methods of service

(b) Service of notices, processes, orders, rules, and regulations may be made by personal service, or upon an agent designated in writing for the purpose, or by registered mail addressed to such person or agent.

Service by registered mail

(c) Whenever service is made by registered mail, the date of mailing shall be considered as the time when service is made.

PROVISIONS RELATING TO ORDERS

Findings of fact

SEC. 1009. (a) Every order of the Authority shall set forth the findings of fact upon which it is based.

Service of orders

(b) Every order of the Authority shall be served upon the person affected thereby in the manner provided in section 1008.

Suspension or modification of order

(c) Except as otherwise provided in this act, the Authority is hereby empowered to suspend or modify its orders upon such notice and in such manner as it shall deem proper.

REMEDIES NOT EXCLUSIVE

SEC. 1010. Nothing contained in this act shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies.

TITLE XI—MISCELLANEOUS

GENERAL POWERS

Regulation and classification

SEC. 1101. (a) The Authority is empowered to make such just and reasonable rules, regulations, and requirements, pursuant to and consistent with the provisions of this act, to be observed by air carriers, as the Authority shall deem necessary in the public interest; and to establish such just and reasonable classifications or groups of air carriers as the nature of the service performed by such air carriers shall require.

Additional authorization

(b) The Authority is empowered to perform any and all acts, to issue and amend all orders, and to make and amend all general or special rules, regulations, and procedure necessary to carry out the provisions of this act.

INTERNATIONAL AGREEMENTS

SEC. 1102. In exercising and performing its powers and duties under this act the Authority shall do so consistently with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and any foreign country or foreign countries, shall take into consideration any applicable laws and requirements of foreign countries and shall not, in exercising and performing its powers and duties with respect to certificates of convenience and necessity, restrict compliance by any air carrier with any obligation, duty, or liability imposed by any foreign country: *Provided*, That this section shall not apply to any obligation, duty, or liability arising out of a contract or other agreement, heretofore or hereafter entered into between an air carrier, or any officer or representative thereof, and any foreign country, if such contract or agreement is disapproved by the Authority as being contrary to the public interest.

PUBLICATIONS

SEC. 1103. The Authority shall provide for the publication of its orders, decisions, rules, regulations, and reports in such form and manner as may be best adapted for public information and use. Publications purporting to be published by the Authority shall be competent evidence of the orders, decisions, rules, regulations, and reports of the Authority therein contained in all courts of the United States, and of the several States, Territories, and possessions thereof, and the District of Columbia, without further proof or authentication thereof.

ANNUAL REPORT

SEC. 1104. The Authority shall make an annual report to the Congress, copies of which shall be distributed as are other reports transmitted to the Congress. Such report shall contain such information and data collected by the Authority as may be considered of value in the determination of questions connected with the development and regulation of air transportation and civil aeronautics, together with such recommendations as to additional legislation relating thereto as the Authority may deem necessary.

NATURE AND USE OF DOCUMENTS FILED

SEC. 1105. The copies of tariffs, and of all contracts, agreements, understandings, and arrangements filed with the Authority as herein provided, and the statistics, tables, and figures contained in the annual or other reports of air carriers and other persons made to the Authority as required under the provisions of this act shall be preserved as public records (except as provided in section 413 (f) of this Act) in the custody of the secretary of the Authority, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the Authority and in all judicial proceedings; and copies of, and extracts from, any of such tariffs, contracts, agreements, understandings, arrangements, or reports, certified by the secretary of the Authority, under the seal of the Authority, shall be received in evidence with like effect as the originals.

Mr. LEA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEA: Page 215, line 23, strike out the figures "413" and insert in lieu thereof the figures "414."

Mr. LEA. Mr. Chairman, the object of the amendment is to correct a cross-reference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

COLLECTION AND DISSEMINATION OF INFORMATION

SEC. 1106. The Administrator is empowered and directed to collect and disseminate information relative to the development of civil aeronautics; to study the possibilities of the development of air commerce and the aeronautical industry; and to exchange with foreign governments, through appropriate governmental channels, information pertaining to civil aeronautics.

COOPERATION WITH GOVERNMENT AGENCIES

SEC. 1107. The Authority may avail itself of the assistance of any research or technical agency of the United States on matters relating to aircraft fuel and oil and to the design, materials, workmanship, construction, performance, maintenance, and operation of aircraft, aircraft engines, propellers, appliances, and air-navigation facilities. Each such agency is authorized to conduct such scientific and technical researches, investigations, and tests as may be necessary to aid the Authority in the administration of this act.

AMENDMENTS AND REPEALS

SEC. 1108. (a) Section 3964 of the Revised Statutes (U. S. C., Supp. II, title 39, sec. 481) is hereby amended by adding "and all air routes", after the words "or parts of railroads."

(b) Sections 2 (b) (2) and (3), 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, and so much of section 8 as reads: "; and any person not ineligible under the terms of this act who qualified under the other requirements of this act, shall be eligible to contract for carrying air mail, notwithstanding the provisions of section 3950 of the Revised Statutes (act of June 8, 1872)", of the act of June 12, 1934, as amended (48 Stat. 933; U. S. C., 1934 ed., Supp. II, title 39, sec. 469); the act of March 8, 1928, as amended (45 Stat. 248; U. S. C., 1934 ed., title 39, secs. 465 (a) and (b)); sections 2, 3, and 3a, subsections (a), (b), and (g) of section 5, section 8, and paragraphs (2), (3), (4), and (5) of subsection (a) of section 11 of the Air Commerce Act of 1926, as amended (44 Stat. 568; U. S. C., 1934 ed., title 49, sec. 177); and all other acts or parts of acts inconsistent with any provision of this act are hereby repealed.

(c) The act of May 24, 1928, as amended (45 Stat. 728; U. S. C., 1934 ed., title 49, sec. 211), is further amended by striking out the words "Secretary of Commerce" wherever they appear and inserting in lieu thereof the words "Civil Aeronautics Authority."

(d) Section 5 (a) of the Federal Trade Commission Act, approved September 26, 1914, as amended (38 Stat. 719; U. S. C., 1934 ed., title 15, sec. 41), is further amended by inserting before the words "and persons" the following: "air carriers and foreign air carriers subject to the Civil Aeronautics Act of 1938."

(e) The Air Commerce Act of 1926, as amended, is further amended—

(1) By striking out the words "Secretary of Commerce" wherever they appear (except in section 7 and section 11 (a), (b), and (c)) and inserting in lieu thereof in section 6 (c) and section 10 the words "Civil Aeronautics Authority" and in sections 5 (e) and (f), 9 (j), and 11 (e) the words "Administrator in the Civil Aeronautics Authority."

(2) By inserting after the word "act" in the first line of subsection (f) of section 5 the words "or the Civil Aeronautics Act of 1938."

(3) By striking out the first sentence of section 6 and inserting in lieu thereof the following: "The United States of America is hereby declared to possess and exercise complete and exclusive national sovereignty in the air space above the United States, including the air space above all inland waters and the air space above those portions of the adjacent marginal high seas, bays, and lakes, over which by international law or treaty or convention the United States exercises national jurisdiction."

(4) By striking out so much of subsection (b) of section 6 as reads "; and if so authorized, such aircraft and airmen serving in connection therewith, shall be subject to the requirements of section 3, unless exempt under subdivision (c) of this section."

(5) By striking out so much of subsection (c) of section 6 as reads ", and may by regulation exempt such aircraft, and/or airmen serving in connection therewith, from the requirements of section 3, other than the air traffic rules; but no foreign aircraft shall engage in interstate or intrastate air commerce", and by inserting in lieu thereof the following: "no foreign aircraft shall engage in air commerce otherwise than between any State, Territory, or possession of the United States (including the Philippine Islands) or the District of Columbia, and a foreign country."

(6) By striking out "51 percent" in subsection (a) of section 9 thereof and inserting in lieu thereof "75 percent."

(7) By inserting after the word "act" in subsection (f) of section 9 the words "or the Civil Aeronautics Act of 1938."

(8) By striking out so much of section 10 as reads "under section 3."

(9) By striking out so much of subsection (b) of section 11 as reads: "any provision of subdivision (a) of this section or any entry or clearance regulation made under section 7 (b)" and inserting in lieu thereof "any entry or clearance regulation made under section 7 (c)."

(f) The Independent Offices Appropriation Act, 1934, as amended (48 Stat. 283; U. S. C., 1934 ed., title 46, sec. 891y), is further amended by striking out in the first and second lines of section 6 thereof the words "any air mail contract or."

(g) The act approved February 21, 1925 (43 Stat. 960), as amended by the act approved August 24, 1935 (49 Stat. 744), as amended by the act approved August 20, 1937 (50 Stat. 725), is amended by striking out the words "; and he is authorized, in his discretion, to contract, after advertisement in accordance with law, for the carriage of all classes of mail to, from, or within the Territory of Alaska, by airplane, payment therefor to be made from the appropriations for star-route service in Alaska."

Mr. LEA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEA: On page 217, line 17, insert after the figure "5" the words "the second sentence of."

Mr. LEA. Mr. Chairman, when the Air Commerce Act was passed it provided for an Assistant Secretary of Commerce. Following that, under the Reorganization Act of 1933, the President by Executive order created the position of Assistant Secretary of Commerce and assigned to this official control over about five bureaus in the Department.

Question has been raised whether or not the bill as drawn might operate as a repeal of the authority to have an Assistant Secretary of Commerce. While I do not think the bill has that effect, to avoid any doubt this amendment is offered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. LEA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEA: Page 220, between lines 22 and 23, insert the following new subsection:

"(h) Section 11 of the act of October 15, 1914, as amended (38 Stat. 734; U. S. C., 1934 ed.., title 15, sec. 21), is amended by inserting, after the word 'energy', the following: 'in the Civil Aeronautics Authority where applicable to air carriers and foreign air carriers subject to the Civil Aeronautics Act of 1938'; and by inserting, after the word 'commission' wherever it appears in that section, a comma and the word "authority,'."

Mr. LEA. Mr. Chairman, the effect of this amendment will be to give the authority control over unfair trade practices by the corporation subject to control under this act. It follows the law already existing in this respect in reference to the Communications Commission and the Interstate Commerce Commission. If adopted, the authority would have jurisdiction over the enforcement of violations of the Clayton Act and over unfair trade practices.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. LEA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEA: On page 220, between lines 21 and 22, insert the following new subsection:

"(i) The ninth paragraph of the act approved March 3, 1915 (38 Stat. 930), as amended by the act of March 2, 1929 (45 Stat. 1451; U. S. C., 1934 ed., title 50, sec. 151), is further amended by striking out the word 'fifteen' in that paragraph and inserting in lieu thereof the word 'seventeen', and by inserting after the words 'naval aeronautics' in that paragraph the following: 'two members from the Civil Aeronautics Authority.'"

Mr. LEA. Mr. Chairman, as the Members are aware, we have a National Advisory Committee on Aeronautics, on which are seven regular members and eight ex officio members. The War Department, the Navy Department, and two or three other agencies of the Government are represented on this body. It is a noncompensated body and membership involves no expense. It was deemed advisable that this authority should also have representation on this National Advisory Committee, so this amendment is offered, not as a committee amendment—I have no authority for that—but I submit it to the House.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield.

Mr. MAPES. The gentleman referred to representatives of the Navy Department. I do not understand just what the reference was.

Mr. LEA. In the membership of this Advisory Committee the War Department and the Navy Department have representation.

Mr. MAPES. Does the gentleman's amendment disturb the representation of the Navy Department?

Mr. LEA. No; it proposes simply to add two more ex officio members.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

EFFECT OF TRANSFERS, REPEALS, AND AMENDMENTS

Administrative acts

SEC. 1109. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges which have been issued, made, or granted by the Interstate Commerce Commission, the Department of Commerce, or the Postmaster General, under any provision of law repealed or amended by this act or in the exercise of duties, powers, or functions transferred to the Authority by this act, and which are in effect at the time this section takes effect, shall continue in effect until modified, terminated, superseded, or repealed by the Authority or by operation of law.

Administrative proceedings

(b) The provisions of this act shall not affect any proceedings pending before the Secretary of Commerce, or the Postmaster General, or proceedings pending before the Interstate Commerce Commission for the determination of rates for the transportation of air mail by aircraft, on the date of the enactment of this act; but any such proceedings shall be continued, orders therein issued, appeals therefrom taken, and payments made by the Postmaster General pursuant to such orders, as if this act had not been enacted; and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or repealed by the Authority or by operation of law: *Provided*, That the rates determined by the Interstate Commerce Commission shall be determined without regard to that portion of section 6 (e) of the Air Mail Act approved June 12, 1934, which provides as follows: "which, in connection with the rates fixed by it for all other routes, shall be designed to keep the aggregate cost of the transportation of air mail on and after July 1, 1938, within the limits of the anticipated postal revenue therefrom."

Records

(c) All records transferred to the Authority under this act shall be available for use by the Authority to the same extent as if such records were originally records of the Authority.

Judicial proceedings

(d) The provisions of this act shall not affect suits commenced prior to the date of the organization of the Authority; and all such

suits shall be continued, proceedings therein had, appeals therein taken, and judgments therein rendered, in the same manner and with the same effect as if this act had not been passed. No suit, action, or other proceeding lawfully commenced by or against any agency or officer of the United States, in relation to the discharge of official duties, shall abate by reason of any transfer of authority, power, or duties from such agency or officer to the Authority under the provisions of this act, but the court, upon motion or supplemental petition filed at any time within 12 months after such transfer, showing the necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the Authority.

SEPARABILITY

SEC. 1110. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 1111. The provisions of this act, except this section, title II, and section 410, shall become effective 60 days after enactment: *Provided*, That the Authority shall, if it finds such action necessary or desirable in the public interest, by general or special order, postpone the effective date of any provision of this act, except this section, title II, and section 410, to such time as the Authority shall prescribe, but not beyond the 180th day following the enactment of this act.

Mr. PETTENGILL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this brief opportunity to congratulate the chairman of the Committee on Interstate and Foreign Commerce on the successful conduct of this bill on the floor of the House, and in view of the fact I will not have many opportunities from this floor to speak of my high regard for him, may I tell him how much I enjoyed associating with him as chairman of that great committee as well as before he became chairman of the committee.

The distinguished chairman of the committee has won a Nation-wide reputation as one of the finest gentlemen and one of the most conscientious legislators that has ever sat in the House of Representatives. [Applause.]

Whatever happens to me during the rest of my life, my association with him and the high ideals he has maintained in the public service will always be an inspiration to me and I think to all who have had the privilege of serving with him in the House.

Mr. PETTENGILL. Mr. Chairman, out of order, I would like to take this moment or two to speak on another subject. I would be remiss to some of the deepest convictions of my life if I let the situation that has developed in Jersey City go without an expression of my personal attitude in the matter, both as an American citizen and as a member of the Democratic Party. There are times when a man must speak, when to remain silent seems to give silent approval to wrong. Oliver Wendell Holmes, in his famous opinion in the Schwimmer case, said:

If there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought—not free thought for those who agree with us, but freedom for the thought we hate.

Or, as Chief Justice Hughes said in the Stromberg case—

The maintenance of the opportunity for free political discussion to the end that the Government may be responsive to the will of the people and that changes may be secured by lawful means, an opportunity essential to the security of the Republic, is a fundamental principle of our constitutional system.

From the public press I read recently that the candidate of the Socialist Party for President of the United States in 1936, as well as two of our colleagues, attempted to speak in Jersey City. I do not know enough about the particulars incident to the situation to pass final judgment on anyone in these matters. I know that the right of freedom of speech and freedom of assembly must be exercised within reasonable limitations. It must not incite to violence; it must not advocate the seizure of power by force; it must not deprive other citizens of their equal rights to the use of public property. I recognize the right of a municipality or other public authority to issue or withhold permits to address meetings on public property. But on the general issue involved, I would be remiss to my every conviction if I did not express on the floor of this House my very great concern over the general information that freedom of speech is being denied to American citizens in the city of Jersey City if they wish to express opinions contrary to those held by persons in public authority.

Mr. O'NEILL of New Jersey. Mr. Chairman, I make the point of order the gentleman is not speaking in order.

Mr. PETTENGILL. Of course, if the gentleman makes the point of order, it must be sustained.

The CHAIRMAN. The gentleman from Indiana will proceed in order.

Mr. PETTENGILL. Mr. Chairman, if the gentleman from New Jersey wants to prevent me, as a Congressman of the United States, from exercising the right of free speech on this particular matter, I suppose the point of order is well taken. I am not speaking on the pending bill. I said at the beginning that I wished to speak out of order.

Mr. O'CONNELL of Montana. Mr. Chairman, I want to say the attempt of the gentleman from New Jersey to stop this speech is typical of everything that happens in Jersey City.

Mr. COX. Mr. Chairman, I trust the gentleman from New Jersey will not insist on the point of order. May I make inquiry of the gentleman from Indiana as to the authority he has on which he bases his statement that freedom of speech is being denied anybody in the State of New Jersey? The two gentlemen to which he referred, our colleagues, left some time ago to go up to deliver a lecture to the people in that vicinity. For some reason or other they did not go through with their plans, and I see them here sound and in good shape. I presume if they desire to go up there, the gates are open and they can enter and perform as they see fit. I feel that the matter which the gentleman from Indiana is discussing is purely a local matter and is not of concern to this House.

Mr. O'NEILL of New Jersey. Mr. Chairman, reserving the point of order, may I say that during the remarks of my colleague from Indiana he stated he was not in full knowledge of the particulars in connection with the case. We are considering this afternoon a major piece of legislation. There will be plenty of forum in this Chamber before the gentleman's day as a Representative comes to an end in which he may talk all he pleases about other matters.

Further reserving the point of order, Mr. Chairman, may I say that the two of my distinguished colleagues who started for New Jersey but did not reach there in an effort to make a speech—and this will probably interest many Members of the House—less than 2 months ago made a speech in Jersey City. They were accorded a police escort in keeping with the dignity of the office which they hold. The speech was delivered in a hall in Jersey City. The whole crux of the situation is simply this: Week after week an application is made by certain people in New Jersey and in New York for the privilege of conducting a meeting at Journal Square in Jersey City, which is the busiest artery in that city. An application is never made for a permit to speak in any other part of the city or in any of the public parks.

I am a New Jerseyite, and I am proud of my State. I have confidence in the leadership of my State. I know that the right of freedom of speech has not been violated in any sense or in any particular. I may suggest that certain of my colleagues in this House have seen fit on more than one occasion to go not only to Jersey City but to other cities in the State of New Jersey to criticize not only the Democratic but the Republican Members from that State. We have been sent here to represent our respective congressional districts. We are doing the best job we know how to do.

I may suggest also that if some of my colleagues would represent their own districts instead of several of the European nations and instead of bothering with certain of our districts we might all be better off. [Applause.]

Mr. Chairman, I withdraw the point of order.

Mr. PETTENGILL. Mr. Chairman, I thank the gentleman from New Jersey for withdrawing the point of order and thus showing his devotion to the cause of free speech.

It is my information—and I do not know what the fact absolutely is—that Mr. Norman Thomas, candidate on the Socialist ticket for President of the United States, by force was physically deported from that city. On the general proposition, irrespective of any particular incident of being denied a permit to speak on a busy public square, I must stand up here and defend the constitutional right of free speech in America for all American citizens, irrespective of whether their opinions agree with those held by me or anyone else.

I am quite certain that if either Mr. Norman Thomas, the gentleman from Montana [Mr. O'CONNELL], or the gentleman from Minnesota [Mr. BERNARD] had spoken and I had been present, I would not have agreed with much that any one of them would have said. But the fact of my agreeing with them or their agreeing with me is not the question involved. Free speech is the safety valve of democratic institutions. Changes in government come about either through the power of persuasion, as expressed through a free press, free speech, free assembly, and a free ballot, or they come about by force and violence. To deny the opportunity to advocate changes in government by lawful means is to encourage the alternative of securing changes by unlawful means.

I am wholly unwilling to terminate my service in the Congress of the United States, from which I am voluntarily retiring at the end of this session, without expressing my deep concern over the erosion of constitutional principle and the substitution of government by force and the sword in foreign lands, and with some evidence of that same drift here in America.

Any government—municipal, State, or National—which rests upon a free ballot, which in turn rests upon free speech, a free press, and freedom of assembly, should be the first to protect the very foundation upon which such government rests. As Justice Brandeis said in the wire-tapping case—Olmsted against United States:

> In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or ill it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law. It invites every man to become a law unto himself. It invites anarchy.

Again, the United States Supreme Court has said in the Cruikshank case:

> The right of the people peaceably to assemble for lawful purposes is and always has been one of the attributes of citizenship under a free government.

I want to be scrupulously careful against doing any injustice to public authority in Jersey City. As I have said, I am not in complete information over the particulars surrounding the cases which have recently been in the public press. There is no absolute right of free speech, no absolute right of free assembly. All constitutional rights of any citizen must be exercised with due regard to the equal constitutional rights of other citizens. If assembly takes place, it must be a peaceable assembly and it must be for a lawful purpose. Nor can anyone insist upon the right to use public property if that right impairs an equal right to use of the same property for other citizens for other lawful purposes.

> The constitutional guaranty of free speech does not prevent the Government from regulating the use of places wholly within its own control. Thus a statute or ordinance which forbids the delivery of addresses in the public parks or on the streets, or which forbids the free distribution of printed matter on the streets, constitutes a valid exercise of the police power. * * * The right of assembly is not violated by ordinances or rules making reasonable regulations for the use of places within the control of the government (12 Corpus Juris, 954–955).

But, as Justice Hughes said in the Stromberg case:

> The maintenance of the opportunity for free political discussion * * * is a fundamental principle of our constitutional government.

Under this sound doctrine it would seem to be the duty of any government affirmatively to help provide this "opportunity for free political discussion." It has been stated that the only opportunity afforded by public authority in Jersey City to men like Mr. Norman Thomas to speak is in a small building seating only two or three hundred people. If this is true, it grants the shadow but denies the substance of constitutional right. There is no constitutional provision that the right of assembly can be exercised by only 250 people at a time, and it would seem that if public authority were diligent in Jersey City it could find a place and thus afford an "opportunity for free political discussion" somewhere within its jurisdiction for a larger number of people.

It has been said that this is a local matter in which the Congress is not concerned. I cannot agree with this. It is true that the first amendment forbidding the abridgement of "the right of the people to assemble and to petition the Government for a redress of grievances," applies only to Congress and not to State or municipal government. The provisions of the Federal Constitution do not apply to all cases of assembly. If the purpose of the assembly is to petition a local or State Government for a redress of grievances dealing only with local or State matters, it is apparently not within the protection of the National Constitution or Government.

It is my understanding, however, that these gentlemen desired to speak in Jersey City upon matters as to which the Federal Government has jurisdiction, as for example, the right of collective bargaining in matters affecting interstate commerce. If so, it ceases to be a local matter and is a matter as to which not only Congress but the executive branch of the Federal Government is properly and directly concerned. As the United States Supreme Court held in the Cruikshank case:

> If the assembly is for the purpose of petitioning Congress (not the State or local government) for a redress of grievances or anything else connected with the duties or powers of the National Government, the right of assembly for such purposes is an attribute of national citizenship, and as such under the protection of and guaranteed by the United States (*United States* v. *Cruikshank*, 92 U. S. 542).

If, therefore, the purpose of these meetings was to discuss matters over which the Federal Government has constitutional jurisdiction, it ceases to be a local matter. Any assembly anywhere, for the purpose of discussing national matters, must be held within the jurisdiction of some State or local subdivision, outside of the District of Columbia or a territory.

Citizens of the United States, for the purpose of discussing matters of national importance, cannot be prevented from doing so by State or local authorities. They speak then in their capacities as citizens of the United States rather than as citizens of a State or local subdivision. In this view of the case it would seem to be the duty of State and local authorities to affirmatively assist every citizen of the United States in a peaceable manner and at a lawful place to discuss questions over which the Federal Government has jurisdiction, and if State and local authorities fail to afford or actually prevent the "opportunity for free political discussion," it then becomes the responsibility of the Federal Government to see to it that this opportunity is given them.

Mr. Chairman, we are dealing, you will agree, with vital matters. I regret to notice a tendency not only on the part of the officials of Jersey City but public officials holding office under the United States to hold in very slight regard the right of a free press, freedom of the radio, freedom to freely speak one's mind on public questions, and to communicate opinions to other persons. We have seen telegrams seized, newspapers scolded, citizens abused by legislative committees, the radio forced to live almost from month to month on short-term licenses, and the right of American citizens to petition Congress described as an effort to "purchase" a legislative body. Jersey City is not alone at fault in this matter.

If democracy is to be preserved, the foundations of democracy must be preserved.

I do not believe we can attain liberal ends by illiberal means, nor a democratic result by a dictatorial method. The means and the method will corrode the result.

When free discussion dies, either by open suppression or by flank attack through holding up to ridicule and intimidation those who attempt to exercise it, civil liberty also dies in these United States. It is in time of crisis and unrest that we should take the greatest care with the foundations upon which the whole superstructure of democratic government rests. Eternal vigilance still is the price of liberty and never more so than at a time like the present.

I close with a quotation from Thomas Jefferson, the founder of the party which now has the greatest responsibility:

The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be submitted to. It is necessary to keep the waters pure.

The CHAIRMAN. The question is on the committee substitute amendment, as amended.

The committee substitute amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GRISWOLD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 9738) to create a Civil Aeronautic Authority, to provide for the regulation of civil aeronautics, and for other purposes, pursuant to House Resolution 491, he reported the same back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on agreeing to the amendment.

The amendment was agreed to.

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

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

Mr. MAPES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MAPES. As it stands, I am, Mr. Speaker.

The SPEAKER. Is there any gentleman unconditionally opposed to the bill who desires to make a motion to recommit? If not, the Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MAPES moves to recommit the bill to the Committee on Interstate and Foreign Commerce with instructions to that committee to amend the bill so as to provide for the regulation of civil aeronautics by the Interstate Commerce Commission instead of by the Civil Aeronautics Authority provided in the bill, and to report the same back to the House as thus amended.

Mr. LEA. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

Mr. BOILEAU. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOILEAU. The gentleman from Michigan has offered a motion to recommit which is not in the usual form of a motion to recommit, which provides that the committee shall report the bill back forthwith with the following amendments. It is a direction to the committee to amend the bill in accordance with the instructions in the motion to recommit and to report the bill back to the House. Obviously the motion to recommit, if carried, will necessitate considerable work on the part of the Committee on Interstate and Foreign Commerce. My parliamentary inquiry is, after the Committee on Interstate and Foreign Commerce makes the necessary changes as directed in the motion to recommit—assuming, of course, that the motion should prevail—would the bill then come back to the House automatically without action on the part of the Committee on Rules? In other words, would the bill amended in accordance with the instructions in the motion to recommit come back to the House as a matter of privilege?

The SPEAKER. In answer to the parliamentary inquiry of the gentleman from Wisconsin, the Chair will state that the bill would be reported back to the House as it was in the first instance before the consideration of the bill was begun.

Mr. BOILEAU. Assuming the motion to recommit prevails and the Committee on Interstate and Foreign Commerce is directed to make certain amendments, would not the committee then be forced to bring the bill back to the House as amended, and in that instance would it be a matter of privilege, or would the Committee on Rules be required to present a rule to make consideration of the bill in order?

The SPEAKER. This is a rather unusual form in which to prepare a motion to recommit. However, the Chair will have to construe the motion as it is presented in the light of the parliamentary inquiry of the gentleman from Wisconsin.

The motion provides that the committee shall amend the bill so as to provide, and so forth. If the motion to recommit should prevail, of course, under the terms of the motion the bill would be recommitted to the Committee on Interstate and Foreign Commerce for the purpose of undertaking to carry out the instructions. The Chair is not of the opinion that thereafter the bill would have a privileged status before the House.

Mr. O'CONNOR of New York. Mr. Speaker, if I may be heard on the question, the motion to recommit is no different from the ordinary motion except that the language "report back forthwith" is transposed to the end instead of the beginning. I do not see that this makes any difference in the situation. The committee is required to report back forthwith, I am quite sure. Ordinarily I do not believe such a motion states "forthwith."

The SPEAKER. The gentleman from New York possibly did not hear the definite reading of the motion. The motion provides "to report the same back to the House as thus amended."

Does the gentleman understand the Chair's answer to the parliamentary inquiry?

Mr. BOILEAU. I am not certain I understood the Chair's answer, Mr. Speaker.

The SPEAKER. The Chair attempted to make it as plain as possible that the Chair answers in the negative the specific inquiry of the gentleman from Wisconsin as to whether or not, under the motion to recommit, the bill would be privileged to be called up as a privileged bill.

The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. MAPES) there were—ayes 47, noes 116.

Mr. MAPES. Mr. Speaker, I object to the vote on the ground a quorum is not present, and make the point of order there is not a quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order there is no quorum present, and objects to the vote on that ground. The Chair has just counted approximately the entire number of Members present, when the House voted. Evidently there is no quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 94, nays 214, not voting 119, as follows:

[Roll No. 81]

YEAS—94

Allen, Ill.	Engel	Lambeth	Rockefeller
Andresen, Minn.	Ford, Miss.	Lanham	Rogers, Mass.
Andrews	Gamble, N. Y.	Lord	Rutherford
Arends	Garrett	Luce	Sauthoff
Bacon	Gehrmann	McFarlane	Seger
Bates	Gilchrist	McLean	Shafer, Mich.
Binderup	Green	McSweeney	Short
Brewster	Griswold	Maas	Simpson
Carlson	Guyer	Mapes	Smith, Maine
Cartwright	Gwynne	Martin, Mass.	Snell
Case, S. Dak.	Halleck	Mason	Stefan
Church	Hancock, N. Y.	Maverick	Taber
Clason	Holmes	Michener	Terry
Cluett	Hope	Mott	Thom
Cole, N. Y.	Hull	O'Malley	Tinkham
Crawford	Jenkins, Ohio	O'Neal, Ky.	Treadway
Crosser	Jenks, N. H.	Patterson	Wadsworth
Crowther	Johnson, Luther A.	Poage	Wigglesworth
Culkin	Johnson, Lyndon	Polk	Withrow
Dies	Johnson, Okla.	Powers	Wolcott
Dirksen	Kinzer	Reed, Ill.	Wolverton
Dondero	Kniffin	Rees, Kans.	Woodruff
Dowell	Knutson	Rich	
Eaton	Lambertson	Robsion, Ky.	

NAYS—214

Aleshire	Dockweiler	Kennedy, Md.	Ramspeck
Allen, La.	Dorsey	Kennedy, N. Y.	Randolph
Allen, Pa.	Doxey	Kitchens	Rayburn
Amlie	Driver	Kleberg	Richards
Anderson, Mo.	Duncan	Kocialkowski	Rigney
Arnold	Dunn	Kopplemann	Robertson
Ashbrook	Eckert	Kvale	Robinson, Utah
Barry	Edmiston	Lamneck	Romjue
Beiter	Eicher	Lanzetta	Sabath
Bernard	Elliott	Lea	Sadowski
Biermann	Evans	Leavy	Sanders
Bigelow	Farley	Lesinski	Satterfield
Bland	Fernandez	Lewis, Colo.	Schaefer, Ill.
Boehne	Fitzgerald	Lucas	Schneider, Wis.
Boileau	Flaherty	Luckey, Nebr.	Schuetz
Boren	Flannagan	Ludlow	Schulte
Boyer	Fleger	Luecke, Mich.	Scott
Bradley	Fletcher	McAndrews	Scrugham
Brooks	Forand	McCormack	Secrest
Brown	Ford, Calif.	McGehee	Shanley
Buckler, Minn.	Frey, Pa.	McKeough	Sheppard
Burch	Fuller	McLaughlin	Sirovich
Burdick	Fulmer	Magnuson	Smith, Conn.
Byrne	Gambrill, Md.	Mahon, Tex.	Smith, Wash.
Caldwell	Gasque	Maloney	Smith, W. Va.
Cannon, Mo.	Gearhart	Martin, Colo.	Somers, N. Y.
Carter	Gildea	Massingale	South
Champion	Goldsborough	Mead	Sparkman
Chandler	Greenwood	Meeks	Spence
Citron	Greever	Mills	Starnes
Clark, Idaho	Gregory	Mitchell, Ill.	Sutphin
Clark, N. C.	Griffith	Mouton	Sweeney
Cochran	Haines	Murdock, Utah	Swope
Coffee, Nebr.	Hamilton	Nelson	Tarver
Coffee, Wash.	Harlan	Nichols	Teigan
Cole, Md.	Harrington	Norton	Thomas, Tex.
Collins	Havenner	O'Brien, Ill.	Thomason, Tex.
Colmer	Healey	O'Brien, Mich.	Thompson, Ill.
Connery	Hendricks	O'Connell, Mont.	Tolan
Cooley	Hill	O'Connor, N. Y.	Towey
Cooper	Honeyman	O'Leary	Transue
Costello	Hook	Oliver	Turner
Cox	Houston	O'Neill, N. J.	Umstead
Cravens	Hunter	Owen	Vincent, Ky.
Crowe	Imhoff	Pace	Vinson, Ga.
Cullen	Izac	Parsons	Voorhis
Daly	Jacobsen	Patman	Welch
Delaney	Jarman	Patrick	West
Dempsey	Jenckes, Ind.	Patton	Whittington
DeRouen	Johnson, Minn.	Pearson	Wilcox
Dickstein	Johnson, W. Va.	Peterson, Fla.	Williams
Dingell	Kee	Peterson, Ga.	Zimmerman
Disney	Keller	Pettengill	
Dixon	Kelly, Ill.	Rabaut	

NOT VOTING—119

Allen, Del.	Englebright	Long	Rogers, Okla.
Atkinson	Faddis	McClellan	Ryan
Barden	Ferguson	McGranery	Sacks
Barton	Fish	McGrath	Shannon
Beam	Fitzpatrick	McGroarty	Smith, Okla.
Bell	Flannery	McMillan	Smith, Va.
Bloom	Fries, Ill.	McReynolds	Snyder, Pa.
Boland, Pa.	Gavagan	Mahon, S. C.	Stack
Boykin	Gifford	Mansfield	Steagall
Boylan, N. Y.	Gingery	May	Sullivan
Buck	Gray, Ind.	Merritt	Sumners, Tex.
Buckley, N. Y.	Gray, Pa.	Mitchell, Tenn.	Taylor, Colo.
Bulwinkle	Hancock, N. C.	Moser, Pa.	Taylor, S. C.
Cannon, Wis.	Hart	Mosier, Ohio	Taylor, Tenn.
Casey, Mass.	Harter	Murdock, Ariz.	Thomas, N. J.
Celler	Hartley	O'Connell, R. I.	Thurston
Chapman	Hennings	O'Connor, Mont.	Tobey
Claypool	Hildebrandt	O'Day	Wallgren
Creal	Hobbs	O'Toole	Walter
Crosby	Hoffman	Palmisano	Warren
Cummings	Jarrett	Pfeifer	Wearin
Curley	Jones	Phillips	Weaver
Deen	Kelly, N. Y.	Pierce	Wene
DeMuth	Keogh	Plumley	Whelchel
Ditter	Kerr	Quinn	White, Idaho
Doughton	Kirwan	Ramsay	White, Ohio
Douglas	Kramer	Rankin	Wolfenden
Drew, Pa.	Larrabee	Reece, Tenn.	Wood
Drewry, Va.	Lemke	Reed, N. Y.	Woodrum
Eberharter	Lewis, Md.	Reilly	

So the motion to recommit was rejected.

Mr. HOLMES, Mr. JOHNSON of Oklahoma, and Mr. GARRETT changed their vote from "no" to "aye."

The Clerk announced the following pairs:

On this vote:

Mr. Taylor of Tennessee (for) with Mr. Curley (against).
Mr. Reece of Tennessee (for) with Mr. Mosier of Ohio (against).
Mr. Tobey (for) with Mr. McReynolds (against).
Mr. Plumley (for) with Mr. Gray of Indiana (against).
Mr. Ditter (for) with Mr. Mahon of South Carolina (against).
Mr. Douglas (for) with Mr. Snyder of Pennsylvania (against).
Mr. Wolfenden (for) with Mr. Phillips (against).
Mr. Jarrett (for) with Mr. Keogh (against).
Mr. Hartley (for) with Mr. Moser of Pennsylvania (against).
Mr. Gifford (for) with Mr. Atkinson (against).
Mr. Barton (for) with Mr. Sullivan (against).
Mr. Reed of New York (for) with Mr. Wearin (against).
Mr. Thomas of New Jersey (for) with Mr. Warren (against).
Mr. White of Ohio (for) with Mr. Gavagan (against).
Mr. Hoffman (for) with Mr. Merritt (against).

General pairs:

Mr. Rankin with Mr. Fish.
Mr. Woodrum with Mr. Lemke.
Mr. Drewry of Virginia with Mr. Englebright.
Mr. Mansfield with Mr. Faddis.
Mr. Sumners of Texas with Mr. Kramer.
Mr. May with Mr. Quinn.
Mr. Doughton with Mr. Walgren.
Mr. Kerr with Mr. Fries of Illinois.
Mr. Jones with Mr. Claypool.
Mr. Beam with Mr. Pierce.
Mr. Bloom with Mr. O'Toole.
Mr. Taylor of Colorado with Mr. Wene.
Mr. Mitchell of Tennessee with Mr. Buckley of New York.
Mr. Creal with Mr. Hennings.
Mr. Casey with Mr. McGranery.
Mr. Fitzpatrick with Mr. Ryan.
Mr. O'Connell of Rhode Island with Mr. Wood.
Mr. Pfeifer with Mr. Hancock of North Carolina.
Mr. Buck with Mr. Reilly.
Mr. Larrabee with Mr. Celler.
Mr. Long with Mr. Ferguson.
Mr. Smith of Virginia with Mr. Harter.
Mr. O'Connor of Montana with Mr. Boylan of New York.
Mr. Hobbs with Mr. Shannon.
Mr. Murdock of Arizona with Mr. Flannery.
Mr. McGrath with Mr. Whelchel.
Mr. Deen with Mr. Cummings.
Mr. Ramsay with Mr. Kirwan.
Mr. Boland of Pennsylvania with Mr. Allen of Delaware.
Mr. Cannon of Wisconsin with Mr. Kelly of New York.
Mr. Lewis of Maryland with Mr. Walter.
Mr. McClellan with Mr. Chapman.
Mr. Boykin with Mr. Eberharter.
Mr. McMillan with Mr. DeMuth.
Mr. Weaver with Mr. Rogers of Oklahoma.
Mr. Taylor of South Carolina with Mr. Gray of Pennsylvania.
Mr. Steagall with Mr. Palmisano.
Mr. Barden with Mr. Gingery.
Mr. Crosby with Mr. Hart.
Mr. Bulwinkle with Mr. Sacks.
Mr. Bell with Mr. Hildebrandt.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. Cox). The question is on the passage of the bill.

The question was taken and the bill was passed.

Mr. LEA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 3845, strike out all after the enacting clause, and insert in lieu thereof the provisions of the bill just passed by the House (H. R. 9738).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none, and, without objection, the amendment to the Senate bill will be agreed to and the Senate bill read a third time and passed.

A motion to reconsider was laid on the table.

Mr. LEA. Mr. Speaker, I ask unanimous consent to vacate the proceedings whereby the bill (H. R. 9738) was passed and to lay that bill on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL PERMISSION TO EXTEND REMARKS

Mr. LEA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their own remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. O'CONNELL of Montana. Mr. Speaker, I ask unanimous consent to proceed out of order for 3 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. O'CONNELL of Montana. Mr. Speaker, I did not intend to come to this body and bother its membership with whatever difficulties I might be having with Frank Hague and with Jersey City, but in view of the statement made by

the young gentleman from New Jersey [Mr. O'NEIL] this afternoon and the references which he made to me and about my representing a European power, I want to make some answer on this floor, and I want to correct some other misstatements of facts which he made. He said that as far back as some months ago I spoke in Jersey City in a hall there and that I had a police escort. The statement that I had a police escort is an absolute lie. There was no police escort of any kind. In order to avoid this question of free speech Frank "Hitler-Mussolini" Hague permits a meeting to be held in a little, tiny hall owned by a man by the name of Jacobowitz, whose taxes are raised by Hague at every opportunity, because he opposes him.

You can get about 250 to 300 people in this hall, and that is all you can get in there, and that is the only place you can get to speak in Jersey City. Whenever you try to go anywhere where you might get a crowd, where you might get somebody to talk to, "Frankie" will not give you a permit.

Then with reference to the question that was raised here by Frank Hague's spokesman, about Journal Square and how busy it is and that a permit is never granted, I want to say that on 7:30 of the very night we were supposed to speak there a meeting was scheduled of the so-called Catholic War Veterans' League, which is actually a vigilante organization, and at 7:30 they held their meeting right in Journal Square with the idea of keeping us out, with their rubber hose, machine guns, baseball bats, and clubs, and they had a permit and everything with which to do it. That is Frank Hague Americanism, a permit for free speech for his henchmen and thugs; no permit, no free speech for real Americans.

The other day, after this happened, to see if Hague was sincere about the traffic violation or the causing of a traffic jam by speaking in Journal Square, I wired a request to Mayor Hague asking him for a permit and I very carefully stated it, asking him for a permit to speak anywhere in Jersey City on the night of May 21, and I got back a reply just a few days ago from Daniel Casey, the commissioner of public safety, to whom Hague referred my request—I got back from him a letter denying me a permit to speak there. On what grounds? On the ground that I was personally obnoxious to the people of Jersey City. Well, I wonder if that is American. I wonder if that is the way things are to be legally decided. Is that free speech? Why, it stinks to high heaven of fascism and dictatorship.

Then, take the case of Norman Thomas. When he went into Jersey City, if he had violated some statute, or if he was wrong, he should have been arrested and charged with it; but he was not charged with any crime whatsoever. He was picked up bodily and physically and put in a car and taken out of Jersey City, in absolute violation of the Constitution and the laws of the United States. [Applause.]

[Here the gavel fell.]

Mr. O'CONNELL of Montana. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. O'CONNELL of Montana. On the very night when my colleague, JOHN BERNARD, and I spoke in Jersey City 2 months ago a rabbi named Rabbi Plotkin talked at that meeting against Hague and his denial of civil liberty. A few days ago Rabbi Plotkin had an order served on him to get out, and have his entire congregation get out, of the Jewish Community Center, the president of which is a judge who is controlled by Frank Hague and the treasurer of which is a member of the Hague machine. This rabbi and his congregation, because he had enough courage to fight the Hague administration, have been ordered to get out of this community center. Now even religious liberty is being denied in Jersey City. Why, it is enough to make any real American rebel.

With reference to an attack that I made on the gentleman from New Jersey [Mr. O'NEILL], I had no intention of making it until I heard the night I got into Newark to make an address that the gentleman, in a speech that afternoon at some kind of a meeting of a Hibernian society, had first attacked me; had said that JERRY O'CONNELL was a Communist, because I supported the Workers Alliance program. I do not know why that would make anybody a Communist. The members of the Workers Alliance are real good American citizens who are on the W. P. A., who are on relief, and who are good Americans, far better than Frank Hague is, if you please. I deny that I am a Communist, but I say that I feel sincerely and deeply about the violation of the American Constitution and about the violation of American rights in Jersey City, and as an American Congressman I intend to fight against it to the bitter end. I deny that it is a local issue. Today the Department of Justice is in there investigating these violations of civil rights and the rights guaranteed under the Constitution to all American citizens, and the violation of the rights guaranteed to American workers under the Wagner Labor Relations Act and the Constitution of the United States.

In conclusion, I assure the House that I feel deeply and sincerely the un-American, the undemocratic, and uncalled-for abuse of liberty by "I Am the Law" Hague. It is a disgrace to America, it is a disgrace to New Jersey, it is a disgrace to Jersey City that an arrogant, greedy, grafting gangster such as Frank Hague should so mock our American institutions. He is a disgrace to his party, his State, and his Nation. Though I was persuaded against my will not to speak there once, I am going back to Jersey City, and I will continue to fight this nitwit Hitler until he is confined to political oblivion forever, and probably even to the coldness and the darkness of a penitentiary cell. This is what "Hanky Panky" Hague fears most.

The SPEAKER pro tempore. The time of the gentleman from Montana has again expired.

EXTENSION OF REMARKS

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include several letters and telegrams and several short newspaper clippings.

The SPEAKER pro tempore. Is there objection?

Mr. GREEN. Mr. Speaker, I reserve the right to object. Of what nature are they?

Mr. BEITER. They are on the Florida ship canal.

Mr. GREEN. Mr. Speaker, until I can read them I shall have to object, because I am afraid that they are misleading.

Mr. FORAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting in the RECORD a brief radio skit written by my secretary and also an address by L. Metcalfe Walling, Administrator, Division of Public Contracts, Department of Labor in Statuary Hall, United States Capitol, on May 4, 1938.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mrs. JENCKES of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to separately extend my remarks by including an address delivered by Mr. KVALE, the gentleman from Minnesota, over the broadcasting system.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent to extend in the RECORD as a part of my remarks made this afternoon a telegram I referred to in connection with my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. LUCKEY of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include two letters received by me from labor organizations in Lincoln, Nebr.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include an article by Mr. McManus on the amount of steel and scrap iron going from the United States to Japan at the present time.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include several short editorials.

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

There was no objection.

Mr. SANDERS asked and was given permission to extend his own remarks in the RECORD.

CHICAGO SUBWAY

Mr. ALLEN of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

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

There was no objection.

Mr. ALLEN of Illinois. Mr. Speaker, recent press releases inform us that Chicago, the city that is destined to become the greatest city in the world, is certain to receive Federal aid for its subway development, under the $5,000,000,000 pump-priming program. We are advised that Public Works Administration officials regard the three downtown projects, as planned by Mayor Kelly, high on the list of projects approved by the examination division of the P. W. A. As a Member of Congress from Illinois, and one that sees the great possibilities of this program, I am surprised that the Secretary of the Interior, Mr. Ickes, did not give it his unqualified endorsement instead of refusing to discuss the subject. Too many times in the past high governmental officials, although eager to discuss unsound projects such as harnessing the tides of Passamaquoddy Bay, the Florida Ship Canal, and other matters generated out of the minds of dreamers, hesitate to discuss matters worth while; projects that will benefit hundreds of thousands of taxpayers.

For many years responsible people of Chicago have been eager for a subway for Chicago. They feel that under proper management, the people would be able to receive a 5-cent transportation as in New York and at the same time relieve traffic congestion. I have been informed that over $60,000,000 have been exacted from the taxpayers of Chicago for a subway, but that this money has been dissipated and all that remains of the money is a drawer full of I O U's. It is therefore plain, that under the present city government, the people of Chicago will never have a much-needed subway unless Federal aid is given. It is also apparent that under the pump-priming program over $5,000,000,000 will be spent within the next 18 months. Therefore, it would be well to spend it on worth-while projects such as a Chicago subway instead of the unworthy projects as in the past. We have spent enough money building bath houses for dogs, raking leaves from one side of the road to the other.

The engineering staff of the city of Chicago are rushing plans so that work can begin at once. Hundreds of thousands of people are out of work in Chicago. A great deal of material would be used in the completion of this subway, which should extend from Fourteenth Street on the south beyond Chicago Avenue on the north and the Chicago Stadium on the west. In order to relieve congestion the subways should be constructed to carry not only elevated trains, but street cars and trolley busses. There should be direct entrances to the State Street stores, thus eliminating congestion as well as other hazards. They should be so constructed that it would not be difficult to extend the subways in future years.

The people of Chicago are aware that for many years they have been contributing for a Chicago subway. About the only time they ever hear anything about it is on the eve of an election. Then the political football is brought out again. After the election the football is again thrown on the ash pile until the approach of another election. Having in mind the quarterback story from the White House, let us keep the football out in the open from now on until Chicago gets its subway. I only hope the large Republican vote in the Pennsylvania primaries will not influence the sending of extraordinary Federal grants to that State, thus working to the detriment of other States, in order for the New Deal to be victorious in the Keystone State next fall.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. ELLIOTT, for 3 days, on account of official business.

To Mr. ATKINSON, for 3 days, on account of official business.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 51. An act for the relief of the Fred G. Clark Co.;

S. 750. An act to grant relief to persons erroneously convicted in courts of the United States;

S. 842. An act to provide for an investigation and report of losses resulting from the campaign for the eradication of the Mediterranean fruitfly by the Department of Agriculture;

S. 1242. An act for the relief of Stanley A. Jerman, receiver for A. J. Peters Co., Inc.;

S. 1465. An act for the relief of Beryl M. McHam;

S. 1700. An act for the relief of William A. Patterson, Albert E. Rust, Louis Pfeiffer; John L. Nesbitt and Cora B. Geller, as executors under the will of James T. Bentley;

S. 2257. An act for the relief of Helene Landesman;

S. 2644. An act for the relief of Sherm Sletholm, Loneata Sletholm, Lulu Yates, Madeline Yates, and the estate of Ella A. Morris;

S. 2676. An act to amend the act approved August 24, 1935, entitled "An act to authorize the erection of a suitable memorial to Maj. Gen. George W. Goethals within the Canal Zone";

S. 2966. An act authorizing the Comptroller General to settle and adjust the claim of H. W. Adelberger, Jr.;

S. 2967. An act authorizing the Comptroller General to settle and adjust the claim of Tiffany Construction Co.;

S. 3103. An act for the relief of the Comision Mixta Demarcadora de Limites Entre Colombia y Panama;

S. 3149. An act authorizing the Interstate Bridge Commission of the State of New York and the Commonwealth of Pennsylvania to reconstruct, maintain, and operate a free highway bridge across the Delaware River between points in the city of Port Jervis, Orange County, N. Y., and the borough of Matamoras, Pike County, Pa.;

S. 3213. An act to amend the act entitled "An act authorizing the Oregon-Washington Board of Trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oreg", approved June 13, 1934, as amended;

S. 3220. An act to authorize the Secretary of the Treasury to transfer the title and all other interests in the old tower clock from the Escambia County Courthouse Building, acquired by the Government by deed, to the Pensacola Historical Society of Pensacola, Escambia County, Fla.;

S. 3290. An act to impose additional duties upon the United States Public Health Service in connection with the investigation and control of the venereal diseases;

S. 3532. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.;

S. 3595. An act to authorize the purchase and distribution of products of the fishing industry;

S. 3691. An act to provide for the appointment of additional judges for certain United States district courts, circuit courts of appeals, and certain courts of the United States for the District of Columbia;

S. J. Res. 253. Joint resolution extending for 2 years the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and the

Tripartite Claims Commission, and extending until March 10, 1940, the time within which Hungarian claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the War Claims Arbiter;

S. J. Res. 284. Joint resolution to authorize an appropriation for the expenses of participation by the United States in the Third Pan American Highway Conference; and

S. J. Res. 285. Joint resolution to authorize and request the President of the United States to invite the International Union of Geodesy and Geophysics to hold its seventh general assembly in the United States during the calendar year 1939, and to invite foreign governments to participate in that general assembly; and to authorize an appropriation to assist in meeting the expenses necessary for participation by the United States in the meeting.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 52 minutes p. m.) the House adjourned until tomorrow, Thursday, May 19, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meting of Mr. SADOWSKI's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., Thursday, May 19, 1938, for the consideration of H. R. 9739, to amend the Motor Carrier Act.

COMMITTEE ON NAVAL AFFAIRS

There will be a full, open hearing before the Committee on Naval Affairs, Thursday, May 19, 1938, at 10 a. m., for the consideration of H. R. 10594, Naval and Marine Corps Reserve.

COMMITTEE ON THE JUDICIARY

There will be a hearing before the Committee on the Judiciary, Thursday, May 19, 1938, on the resolutions proposing to amend the Constitution of the United States to provide suffrage for the people of the District of Columbia. The hearing will be held in the caucus room of the House Office Building beginning at 10 a. m.

COMMITTEE ON INSULAR AFFAIRS

There will be a meeting of the Committee on Insular Affairs on Thursday, May 19, 1938, at 10:30 a. m., for the consideration of H. R. 10050 and 10652.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization will hold executive hearings Wednesday, May 25, 1938, at 10:30 a. m., in room 445, House Office Building, for the consideration of H. R. 9907, and other unfinished business.

COMMITTEE ON THE DISTRICT OF COLUMBIA

The Subcommittee on Public Health of the Committee on the District of Columbia will meet Tuesday, May 24, 1938, at 10:30 a. m., in room 345, House Office Building, to consider H. R. 10341—amending Dental Practice Act.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1349. A communication from the President of the United States, transmitting two supplemental estimates of appropriation for the fiscal years 1938 and 1939, for the Department of Agriculture, totaling $1,030,000 (H. Doc. No. 655); to the Committee on Appropriations and ordered to be printed.

1350. A letter from the Secretary of the Interior, transmitting the report of the Special Repayment Commission, authorized by the act of August 21, 1937, Public Law 331, Seventy-fifth Congress, first session, which was appointed to study Federal and Indian reclamation projects and to devise a more equitable and flexible permanent plan for repayment of the construction cost of these projects (H. Doc. No. 673); to the Committee on Irrigation and Reclamation and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DRIVER: Committee on Rules. House Resolution 503. Resolution providing for the consideration of H. R. 10618, a bill authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes; without amendment (Rept. No. 2374). Referred to the House Calendar.

Mr. PALMISANO: Committee on the District of Columbia. H. R. 7982. A bill to regulate the manufacturing, dispensing, selling, and possession of narcotic drugs in the District of Columbia; with amendment (Rept. No. 2375). Referred to the Committee of the Whole House on the state of the Union.

Mr. MURDOCK of Arizona: Committee on Indian Affairs. S. 1231. An act 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, and reopening such lands to mineral entry; with amendment (Rept. No. 2376). Referred to the Committee of the Whole House on the state of the Union.

Mr. FADDIS: Committee on Military Affairs. H. R. 9735. A bill to authorize an appropriation for the purpose of establishing a national cemetery at Columbus, Ohio; without amendment (Rept. No. 2377). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McREYNOLDS: A bill (H. R. 10687) to authorize the President to permit citizens of the American republics to receive instruction at professional educational institutions and schools maintained and administered by the Government of the United States or by Departments or agencies thereof; to the Committee on Foreign Affairs.

By Mr. PALMISANO: A bill (H. R. 10688) authorizing advancements from the Federal Emergency Administration of Public Works for the construction of certain municipal buildings in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BROOKS: A bill (H. R. 10689) to amend the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936; to the Committee on Flood Control.

By Mr. BLAND: A bill (H. R. 10690) to authorize the construction of certain vessels for the Coast and Geodetic Survey, Department of Commerce, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. JENKINS of Ohio: A bill (H. R. 10691) to authorize payment of claims for unauthorized emergency treatment of disabled veterans; to the Committee on World War Veterans' Legislation.

By Mr. GEARHART: A bill (H. R. 10692) to amend the act known as the Perishable Agricultural Commodities Act, 1930, approved June 10, 1930, as amended; to the Committee on Agriculture.

Also, a bill (H. R. 10693) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMNERS of Texas: A bill (H. R. 10694) to provide for the care and treatment of juvenile delinquents; to the Committee on the Judiciary.

By Mr. SUTPHIN: A bill (H. R. 10695) for the relief of World War sailors and marines who were discharged from the United States Navy or the United States Marine Corps

because of minority or misrepresentation of age; to the Committee on Naval Affairs.

By Mr. BLAND: Resolution (H. Res. 504) for the consideration of House Joint Resolution 685; to the Committee on Rules.

By Mr. THOMAS of Texas: Joint resolution (H. J. Res. 692) authorizing the President to invite the States of the Union and foreign countries to participate in the Oil World Exposition at Houston, Tex., to be held April 24 to 29, 1939, inclusive; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BLAND: A bill (H. R. 10696) granting an increase of pension to Mary W. Osterhaus; to the Committee on Pensions.

By Mr. COLE of New York: A bill (H. R. 10697) granting an increase of pension to Forrest E. Andrews; to the Committee on Pensions.

By Mr. MURDOCK of Arizona: A bill (H. R. 10698) to correct the Navy Department records and discharge certificate of Austin Chauncey Repp; to the Committee on Naval Affairs.

PETITIONS, ETC.

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

5164. By Mr. CURLEY: Petition of the United Federal Workers of America, urging enactment of the Federal Workers' Minimum Wage Act; to the Committee on the Civil Service.

5165. Also, petition of the International Union of United Furniture Workers of America, urging enactment of the wage-hour bill; to the Committee on Labor.

5166. Also, petition of 40,000 employees of the Consolidated Edison Co., of New York, urging enactment of the wage-hour bill; to the Committee on Labor.

5167. Also, petition of 1,500 members of Joint Council 13, United Shoe Workers of America, urging enactment of the wage and hour bill; to the Committee on Labor.

5168. Also, petition of the New York Regional Council, United Federal Workers of America, urging enactment of the Federal Appeal Act for civil-service employment and the Five Day Week Act for Federal employees; to the Committee on the Civil Service.

5169. By Mr. LUTHER A. JOHNSON: Memorial of Charles A. Salmon, J. E. Mattison, L. D. Brotherton, W. W. Newberry, E. W. Brautigan, O. P. Price, and Macon Mattison, members of the board of trustees of the Jewett Independent School District, Jewett, Tex., favoring House bill 10340; to the Committee on Education.

5170. Also, memorial of Miss A. Louise Dietrich, general secretary, Texas Graduate Nurses' Association, favoring House bill 10241; to the Committee on Ways and Means.

5171. By Mr. KENNEDY of New York: Petition of the Blind Industrial Workers Association of New York State, Inc., Brooklyn, N. Y., urging the passage of Senate bill 2819; to the Committee on Interstate and Foreign Commerce.

5172. Also, petition of the New York League of Women Voters, New York City, favoring passage of the Ramspeck postmasters bill as passed by the House; to the Committee on the Civil Service.

5173. Also, petition of Abraham & Straus, Inc., Brooklyn, N. Y., urging the enactment of House bill 9209, introduced by Congressman TOWEY; to the Committee on Ways and Means.

5174. Also, petition of the United Paper Workers, Long Island Union, 292, New York City, urging enactment of the wage-hour bill; to the Committee on Labor.

5175. Also, petition of the Newspaper Guild of New York, urging enactment of the wage-hour bill, etc.; to the Committee on Labor.

5176. Also, petition of the Transport Workers Union of Greater New York, urging enactment of the wage-hour bill; to the Committee on Labor.

5177. Also, petition of the United Optical Workers Union, New York City, urging enactment of the wage-hour bill; to the Committee on Labor.

5178. Also, petition of the United Electrical, Radio, and Machine Workers of America, Machine and Instrument Local 1227, Long Island City, N. Y., concerning recovery program, wage and hour legislation, housing and slum clearance, relief and jobs for the unemployed, and aid to the small-business man; to the Committee on Labor.

5179. By Mr. MERRITT: Petition of State, County, and Municipal Workers of America, Local No. 40, New York City, N. Y., urging enactment of the wage and hour bill; to the Committee on Labor.

5180. Also, resolution of the Allied Veterans' Employment Committee of Queens County, N. Y., requesting that the Representatives from New York look into the conditions existing at the Brooklyn Navy Yard; that the yardstick method of classification in use at the yard is unfair to the many who wish to work there; that men who have been laid off have been approached by the Workers' Alliance and asked to join with the promise they will be restored to their jobs; to the Committee on Labor.

5181. Also, resolution of the Quartermen and Leadingmen's Association, Navy Yard, N. Y., that the 30-day suspension of leadingmen and quartermen in connection with the irregularities in vouching for applicants for employment in the New York Navy Yard be canceled or that the penalty be modified; to the Committee on Labor.

SENATE

THURSDAY, MAY 19, 1938

(Legislative day of Wednesday, April 20, 1938)

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

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, May 18, 1938, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4852) to provide for the creation of the Saratoga National Historical Park in the State of New York, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8008) to provide for the purchase of public lands for home and other sites.

The message further announced that the House had passed the bill (S. 3845) to create a civil aeronautics authority, and to promote the development and safety and to provide for the regulation of civil aeronautics, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 51. An act for the relief of the Fred G. Clark Co.;

S. 750. An act to grant relief to persons erroneously convicted in courts of the United States;