

tion for old-age pensions and unemployment compensation; to the Committee on Ways and Means.

1616. By Mr. ROUTZOHN: Petition of the Farmers' Freedom League of America, seeking repeal of the Compulsory Crop Control Act of 1938 and the banning of importation of farm products to the United States; to the Committee on Agriculture.

1617. Also, petition of 2,008 residents of the United States Veterans' Administration facility at Dayton, Ohio, praying for adequate and equitable compensation for disabled veterans of the World War; to the Committee on Ways and Means.

1618. By Mr. SABATH: Petition of the Sixty-first General Assembly of the State of Illinois, urging the playing of the annual football contest for the season 1939 between the teams of the Army and Navy cadets to be held in the city of Chicago; to the Committee on Military Affairs.

1619. By Mr. SANDAGER: Memorial of the Lincoln Social Club, advocating the erection of a veterans' hospital in Rhode Island; to the Committee on World War Veterans' Legislation.

1620. By Mr. SECCOMBE: Petition of G. M. Whetstone, of Minerva, Ohio, and other railroad engineers and firemen of that community, urging the enactment of legislation limiting the mileage of railroad engineers and firemen to 2,600 miles per month; to the Committee on Interstate and Foreign Commerce.

1621. Also, petition of employees of Berger Division, Republic Steel Corporation, Canton, Ohio, commending Congressman Seccombe upon his proposal to introduce legislation prohibiting the employment of married couples in Government activities; to the Committee on the Civil Service.

SENATE

WEDNESDAY, MARCH 8, 1939

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

O God, who art the Source of being, the Light of all that is true, the Strength of all that is good, and the Glory of all that is lovely: Speak to us now as we turn aside from the ceaseless fret of life; stay time's busy shuttle for a moment, that we may watch the pattern it is weaving, and learn something of the mysteries of being as we hush our wandering thoughts.

Lead us by Thy love into fuller light and to more glorious life, for we are tired of twilight, falsehood, and the easy way. Help us to emulate the perfect life that Jesus lived beneath the Syrian sky, that, with helping hands outstretched to bless in time of need and glowing hearts attuned to His most holy purpose, we, at the close of day, may find rest unto our souls through the mercy of Him whose yoke we have taken upon us and in whose name we pray. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, March 7, 1939, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Calloway, one of its reading clerks, announced that the House insisted upon its amendment to Senate amendment No. 13 to the bill (H. R. 2868) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide supplemental appropriations for the fiscal year ending June 30, 1939, and for other purposes; that the House further insisted upon its disagreement to Senate amendment No. 23 to the bill, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TAYLOR of Colorado, Mr. WOODRUM of Virginia, Mr. CANNON of Missouri, Mr. LUDLOW, Mr. THOMAS S. McMILLAN, Mr. SNYDER, Mr. O'NEAL, Mr. JOHNSON of West Virginia, Mr. TABER, Mr. WIG-

LESWORTH, Mr. LAMBERTSON, and Mr. DITTER were appointed managers on the part of the House at the further conference.

The message also announced that the House further insisted upon its disagreement to the amendments of the Senate Nos. 17 and 18 to the bill (H. R. 3743) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1940, and for other purposes, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOODRUM of Virginia, Mr. JOHNSON of Oklahoma, Mr. FITZPATRICK, Mr. HOUSTON, Mr. STARNES of Alabama, Mr. WIGLESWORTH, Mr. DIRKSEN, and Mr. CASE of South Dakota were appointed managers on the part of the House at the further conference.

ORDER OF BUSINESS

Mr. TYDINGS. Mr. President, I do not wish to upset the routine, but I am very anxious to get the floor before the Senate begins the consideration of the calendar so that I may make a few short remarks on the activities of the United States Housing Authority.

The VICE PRESIDENT. The Chair will take cognizance of the Senator's desire.

PETITION

The VICE PRESIDENT laid before the Senate a resolution adopted by the Northern California Public Health Association at Sacramento, Calif., favoring an appropriation of \$5,000,000 for the United States Public Health Service, fiscal year ending June 30, 1940, for investigation and control of venereal diseases as authorized in the act of May 24, 1938, which was referred to the Committee on Appropriations.

CALL OF THE ROLL

Several Senators addressed the Chair.

The VICE PRESIDENT. Let the Chair state the situation, as he is trying to protect the Senator from Maryland. The Senator from Maryland has asked unanimous consent that he may address the Senate at this time. Is there objection?

Mr. LEWIS. Mr. President, will the Chair recognize the assistant "whip," the Senator from Indiana—

The VICE PRESIDENT. Just a moment. Is there objection to the request of the Senator from Maryland that he may address the Senate at this time? The Chair hears none.

Mr. LEWIS and Mr. MINTON addressed the Chair.

The VICE PRESIDENT. The Chair will recognize any Senator to whom the Senator from Maryland may yield.

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

Mr. LEWIS. The assistant "whip" desires to suggest the absence of a quorum.

Mr. MINTON. Will the Senator from Maryland yield in order that I may suggest the absence of a quorum?

Mr. TYDINGS. I yield for the purpose of the Senator suggesting the absence of a quorum.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Danaher	La Follette	Reed
Andrews	Davis	Lee	Reynolds
Ashurst	Donahay	Lewis	Russell
Austin	Ellender	Lodge	Schwartz
Bailey	Frazier	Logan	Schwellenbach
Bankhead	George	Lucas	Sheppard
Barbour	Gerry	Lundeen	Shipstead
Barkley	Gibson	McCarran	Smathers
Bilbo	Gillette	McKellar	Smith
Bone	Glass	McNary	Taft
Borah	Green	Maloney	Thomas, Okla.
Bridges	Guffey	Mead	Thomas, Utah
Brown	Gurney	Miller	Tobey
Bulow	Harrison	Minton	Townsend
Burke	Hatch	Murray	Truman
Byrd	Hayden	Neely	Tydings
Byrnes	Herring	Norris	Van Nuys
Capper	Hill	Nye	Wagner
Caraway	Holman	O'Mahoney	Walsh
Chavez	Hughes	Overton	Wheeler
Clark, Idaho	Johnson, Calif.	Pepper	White
Clark, Mo.	Johnson, Colo.	Pittman	Wiley
Connally	King	Radcliffe	

Mr. MINTON. I announce that the Senator from California [Mr. Downey] and the Senator from West Virginia [Mr. Holt] are detained from the Senate because of illness.

The Senator from Tennessee [Mr. Stewart] is absent on important public business.

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

UNITED STATES HOUSING AUTHORITY

Mr. TYDINGS. Mr. President, in 1937 the Congress passed and the President approved an act to create the United States Housing Authority. It became the law of the land on September 1, 1937.

The purpose of this act was declared in its title, as follows:

To provide financial assistance to the States and political subdivisions thereof for the elimination of unsafe and insanitary housing conditions, for the eradication of slums, for the provision of decent, safe, and sanitary dwellings for families of low income, and for the reduction of unemployment and the stimulation of business activity, to create a United States Housing Authority, and for other purposes.

In sum, the purposes of the act were declared to be, first, the eradication of slums and unsafe and insanitary housing conditions; second, replacing these undesirable human habitations by modern apartment buildings. These two worthy objectives were to be obtained by "financial assistance to the States and political subdivisions thereof" from the Treasury of the United States.

It is safe to assume that there is not a person in America who is not in thorough sympathy with the fine and humanitarian aims set forth in this law. It sounds both impressive and progressive. The elimination of disreputable dwellings, of unsafe and insanitary apartment houses, the tearing down of slums and replacing them with suitable living quarters for the people of the country is very appealing.

With such worthy objectives it was easy to attract popular support for this project, particularly when, as stated in the act, there was to be a "reduction of unemployment and the stimulation of business activity" at one and the same time.

The method by which all this was to be accomplished was not closely scrutinized. The law itself was drawn to confer wide powers upon the United States Housing Authority, which was the agency created in the law to do the job.

In effect Congress said, "We authorize the United States Housing Authority to eliminate the slums in the big cities of the Nation, and to build in their places safe, sanitary, and substantial houses." The means and methods of doing this were sketchily defined; and thus the United States Housing Authority was pretty much left to its own means and methods to accomplish the desired result.

Those who read the act at the time it was pending before Congress noted that it covered 13½ closely printed pages; and it seemed apparent to many at the time it was enacted into law that few Members of Congress really knew just how all of this was to be done.

Having declared that Congress wanted slums eliminated, having declared that Congress wanted unsafe and insanitary dwellings torn down, having indicated that Congress wanted new, safe, and livable houses to take the place of the unsightly and disreputable structures for human habitation, Congress provided \$500,000,000 to do the job, and then left it up to the United States Housing Authority to work out the details.

In the 18 months since the act became effective, the United States Housing Authority has been engaged in this work. We have its latest report, issued on December 22, 1938, just 2 months ago. We can now begin to see the method followed by the United States Housing Authority in doing its work.

I pass over the fact that Congress did not define the policy which was to actuate the United States Housing Authority in its endeavors. This, in my judgment, was a serious and unpardonable error. In reality, we conferred our own legislative power upon the United States Housing Authority; for the act was drawn so broadly that almost any plan which the United States Housing Authority thought feasible could be employed by it to eradicate the slums.

As I see it, as the act is now written and as it is now being administered, the Government of the United States of America has launched upon the greatest scheme of state socialism it has ever entered into. It seems to me to be on the Russian model. While undoubtedly accomplishing some of the objectives set forth in the act, it is creating disadvantages and burdens for the remaining poorly housed of the Nation to an extent almost unbelievable.

Up to the present time the far-reaching consequences of the United States Housing Act are comprehended by very few. Like many other recent acts of the Congress with noble declared objectives, at the time of its enactment there was little opposition to the method proposed. Now, after it has had its trial, more and more persons are beginning to question the wisdom of the method employed.

Do the people of America know, for example, that the families now living in the slums or in unsafe and insanitary houses are to be rehoused in new, modern, high-priced apartment buildings which cost more per family unit than the average house of the average American family?

Do the people of America know that those who will live in these new Government-financed houses will be exempt, in whole or in part, from their proportionate share of local taxation?

Do the people of America know that a part of the rent of those who will live in these Government-financed houses which supplant slums is to be paid by the Government of the United States under contract for a period of 60 years in the future?

Do the people of the United States know that in essence these houses are to be built by the Government of the United States and given to the cities of America free of any construction costs whatsoever, together with an additional sum of money, so that the city will really make a profit by accepting this free gift from the National Government?

Of course, the people of America do not know this. Indeed, it is my belief that many Members of Congress do not know it, and that, if all did know it, both the people and the Congress would demand that the act be redrawn and its entire philosophy changed.

Now let me resort to facts to prove my contentions, to point out what is now going on in the United States Housing Authority.

The United States Housing Authority, as you will recall, was empowered to borrow \$500,000,000 in the name of the United States Government, and then to "lend" this sum to States and cities of the United States for the purpose of tearing down unsafe and insanitary houses and slums, and rebuilding in their stead substantial, safe, and sanitary houses, the lowest-income groups in any community to be given first preference in occupying these new quarters.

So far, 141 apartment houses in 22 States of the Nation, the District of Columbia, and Hawaii have been contracted for and are being constructed under the United States Housing Authority. The total cost of these 141 apartment houses, which will provide living quarters for 64,431 families, will be \$356,695,341, or an average cost per apartment house of \$2,529,045. This gives us an average cost of \$5,520 for each family unit in these new apartment houses supplanting the slums.

According to another agency of our Government, whose activities are wholly confined to insuring private homes—that is, the Federal Housing Administration—the average cost of the average American home lived in by the average American family today is \$5,384.

Thus, the families who will occupy the new apartment houses replacing the slums, and built at Federal Government expense, will live in apartments which cost \$136 more than does the average house occupied by the average American family today.

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

The PRESIDING OFFICER (Mr. Glass in the chair). Does the Senator from Maryland yield to the Senator from Utah?

Mr. TYDINGS. Yes; I yield.

Mr. KING. I am not sure that I properly understood one of the observations of the Senator. Is \$2,000,000 plus the cost of each apartment house?

Mr. TYDINGS. The average cost per apartment house is \$2,529,045.

Mr. KING. I want to say that that is a most extravagant price.

Mr. TYDINGS. If the Senator will bear with me, that is only a start of the extravagance, and, in my judgment, the most wasteful method that can be conceived of doing what might be a very forthright thing to do.

Moreover, by the contracts entered into between the United States Housing Authority and the cities of America, these new apartment houses supplanting the slums and, consequently, the families that will live in them, are to be exempted in whole or in part from local taxation.

But that is not all. The United States Housing Authority—and that means the Government of the United States—has made contracts with each of the cities where this work is under way, providing that a part of the rent of each family residing in the apartment houses which supplant the slums is to be paid out of the Treasury of the United States. These are all facts, and they are very salient facts.

Why, you may ask, does the Government propose to pay a part of the rent of each family occupying these apartments? Because of the high cost of the buildings—a cost not originally contemplated—it is impossible to obtain sufficient rental from the low-income groups to make the buildings self-liquidating, or even self-supporting. If a rental were charged sufficient to amortize the high cost of the apartment building, it would be very far beyond the means of this low-income group to pay.

Thus, in sum, we have the following spectacle: First, in the new apartment houses supplanting the slums, the families housed therein will be living in quarters which cost more to build than does the average American home. Second, these families will be exempt, in whole or in part, from their proportionate share of local taxation. Third, these families are to have a large part of their rent paid by the Federal Government for a period of 60 years in the future.

Let me refer further to the report, issued December 22, 1938, wherein the United States Housing Authority, referring to its contracts with the cities where the apartment houses are to be constructed, states it has guaranteed to pay to these cities, for a period of 60 years, the sum of \$13,864,364 each year. In exchange for this money, the municipalities are to exempt in whole or in part the Government apartment houses from all or a large part of all local taxes. Further, the municipalities are to charge the occupants of the new apartment houses, not rentals on an ordinary rental basis, which would retire the cost of constructing the apartments, but a rental far below such a figure.

Note that the rents to be paid by the United States Government over the 60-year period on these 141 projects will amount to \$831,861,840, according to the figures of the United States Housing Authority report. This is approximately two and one-half times the original cost of erecting these apartment houses. In other words, according to the contracts the Housing Authority has already made, and taking their own figures, the annual rent subsidies over a period of 60 years will take from the Federal Treasury two and a half times as much as the apartment houses cost to build in the first instance.

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

Mr. TYDINGS. I yield.

Mr. TOWNSEND. Is there any interest on the amount of money figured in that statement?

Mr. TYDINGS. I think I will come to that in my remarks later, but I will answer the question now. The Federal Government, first of all, lends to the cities 90 percent of the cost of these apartment houses. The cities are to pay that back annually; but the Federal Government gives to the cities each year a rent subsidy not only sufficient to pay back the annual amount due plus interest but also to pay off the local contribution and to leave a sum of money over as profit. Does that answer the Senator's question?

Mr. TOWNSEND. Yes.

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

Mr. TYDINGS. I yield.

Mr. ADAMS. Did the Senator state that the average citizens of the United States, the average home owners and taxpayers, are building houses for the low-income group which are better than the house in which they themselves live, and then as taxpayers they are to pay a substantial part of the rent of the houses which they build?

Mr. TYDINGS. It is even worse than that, for Mr. Stewart McDonald's organization, which is the Federal Housing Authority, shows that the average house in America today which is insured by that agency of the Government costs less than the house which is being built by the United States Housing Authority. Furthermore, these houses which are better than the average of all the American homes are to be exempt, in whole or in part, from all local taxation, and for 60 years in the future the occupants of such houses are to have a part of their rent paid by the Treasury of the United States under contracts already entered into.

Mr. ADAMS. If I may ask another question, what is the mechanics by which the houses so built are exempted from local taxation?

Mr. TYDINGS. At the time the city comes to the United States Housing Authority and says, "We desire to clear our slums and build some up-to-date houses to take their places," the Housing Authority compels the city to make what are called local contributions, which usually take the form of exempting the property from taxation.

Mr. ADAMS. The title is vested in the city or in some municipal organization?

Mr. TYDINGS. The United States Housing Authority in the city, in Denver, St. Louis, Lexington, Ky., or wherever the houses are built.

Mr. ADAMS. Then the title is in some quasi-public corporation?

Mr. TYDINGS. Absolutely. In effect we are actually giving all the money to build these houses because we give the cities each year more than the cities have obligated themselves to pay back to the Federal Treasury, so that they not only have sufficient to meet all their annual payments to the Treasury but, in addition, have enough left over to take care of their own local part and a profit besides.

In other words, I have pointed out, from Mr. Straus' own figures, that the cost of these 141 houses is three-hundred-and-fifty-six-million-and-some-odd-thousand dollars, but the rent subsidy on the same houses is eight hundred and some million dollars, which is two and a half times as much as the completed houses cost to build in the first instance.

I am taking every figure I utter about each one of the projects from this very voluminous report [exhibiting] issued by the United States Housing Authority on the 22d of December last year, which was 60 days ago, approximately.

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

Mr. TYDINGS. I yield.

Mr. BYRD. What is the average cost per unit?

Mr. TYDINGS. Per family unit?

Mr. BYRD. Per family unit.

Mr. TYDINGS. I will give the Senator that figure. Let me quote it exactly. The average cost per family unit is \$5,520, and the average cost of the average American home built without any Government assistance is \$5,384. So that it costs the United States Housing Authority to build these houses for the low-income group approximately \$180 more than the home in which an average American family lives today.

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

Mr. TYDINGS. I yield.

Mr. KING. And the average American family not only owns the bricks, and the mortar, and the roof, constituting the home, but the ground upon which it is built, plus, in most instances, a plot of ground constituting the garden.

Mr. TYDINGS. Yes; and the average American family living in such a home as the Senator describes pays its full share of the local taxes, and does not have any of its rent

contributed from the Federal Treasury at all, whereas those who live in the slum-clearance houses will have part of the contract paid for 60 years in the future, and will be exempt in whole or in part from local taxation.

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

Mr. TYDINGS. I yield.

Mr. LOGAN. There is one point the Senator makes which I do not understand clearly; namely, that the houses which he is discussing are exempt from local taxation, State, county, and city taxation. Has the Senator made a study of that sufficient to enable him to advise what the power is in the city to exempt from taxation? In my State, I may say, I know there is a provision in its constitution that all property shall be subject to taxation. That cannot be waived by the United States Government, by the city, or by any other government.

Mr. TYDINGS. Let me look at the report for the Senator's State. Of course, the laws vary in different communities. There might in some be prohibitions which would not apply in the others.

Mr. LOGAN. That is true.

Mr. TYDINGS. In the Senator's State there are five projects under way, one in Covington, one in Frankfort, one in Lexington, and two in Louisville.

Mr. LOGAN. And now one in Paducah.

Mr. TYDINGS. Under the head of "Local Annual Contributions" I find the following for the State of Kentucky:

NOTE 10.—Local annual contributions are maximum amounts computed on the proposed development cost plus the margin of safety one-tenth for possible overruns. Local annual contributions are required by law to be at least 20 percent of Federal annual contributions. In all cases, the local annual contributions provided in contracts are much in excess of this minimum, averaging 65 percent of the above projects. Local annual contributions represent the value of exemptions from local taxes less payments in lieu of taxes, if any.

It may be that in order to get around the law of the Senator's State prohibiting any property from being exempt, the municipality of Louisville, for instance, may take from the other taxpayers a sufficient sum of money and hand it over to the Federal Government to be the equivalent of an exemption of the particular house which the Government is building.

Mr. LOGAN. That might be true, but in my State the only property exempt from taxation is written into the constitution of the State itself.

Mr. TYDINGS. Let me read again the last sentence from what I just read:

Local annual contributions represent the value of exemptions from local taxes less payments in lieu of taxes, if any.

So payments could be made by the city from the general treasury in lieu of exemption of taxes to the Housing Authority, so that they could hand the money back.

Mr. LOGAN. I think that must be what is done.

Mr. TYDINGS. That is the way it is being done, but the net result is, either by direct or indirect action, that the houses are exempt in whole or in part from local taxation.

Now let me refer to the report issued December 22, 1938, wherein the United States Housing Authority, referring to its contracts with the cities where the apartment houses are to be constructed, states it has guaranteed to pay to these cities for 60 years in the future the sum of \$13,864,364 each year.

In exchange for this money, the municipalities are to exempt in whole or in part the Government apartment houses from all or a large part of all local taxes. Further, the municipalities are to charge the occupants of the new apartment houses, not rentals on an ordinary rental basis, which would retire the cost of constructing the apartments, but rentals far below such a figure, and insufficient to pay off the cost of the building. The rent subsidy to be paid by the United States Government over the 60-year period on the 141 projects to which I have referred, will amount to \$831,861,840, but the original cost was only \$356,000,000, and therefore the Federal Government is going to give back to the municipalities two and one-half times what the original buildings cost.

I hope I make that clear.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. CLARK of Missouri. I did not wish to interrupt earlier the Senator's very interesting argument and statement; but, as I understand, the advantages he refers to go not only to municipalities but to certain selected individuals. It is perfectly obvious that the Government of the United States will not be able to afford living quarters to everyone in the lower-income brackets, or even to everyone in the average-income brackets, without bankrupting the Government. Who makes the selection of the individuals who are to enjoy those Government subsidies?

Mr. TYDINGS. I shall answer the Senator in this way: First of all to take care of the 8,000,000 who are underhoused would cost \$45,000,000,000. That is what it would cost to carry out this program, just the net construction cost, without any rent subsidies. It would add \$45,000,000,000 more to the national debt.

Mr. CLARK of Missouri. Who makes the selections out of the many of the few families who are going to enjoy these privileges? That is what I should like to ascertain.

Mr. TYDINGS. The selections are made by the local housing authority, such as the St. Louis Housing Authority or the Baltimore Housing Authority. The houses are supposed to go to the lowest-income group in the community, but it has been proven in many cases that political influence dictates who shall be the occupants rather than their economic status.

Mr. WAGNER. Where was the political influence used to which the Senator referred?

Mr. TYDINGS. Permit me to read a chart, and then I will let the Senator draw his own conclusion. The chart I exhibit is a suppressed chart. I have one of the four copies which are outside the United States Housing Authority. I have the letter written by the Secretary asking that it be locked up, as it contained much information which they thought ought not to be circularized at this time, and the charts were all gathered up and locked up in the office safe.

This is the chart [exhibiting]. These figures cover the houses which were built by P. W. A. before the Housing Authority was created, such as Greenbelt and other places throughout the country. They, too, were built for the low-income group. The chart shows what income groups occupy the houses.

For example, about 100 families making around \$500 a year live in these houses [indicating].

Three hundred and seventy-five families making \$650 a year live in these houses.

Seven hundred and seventy-five families making \$1,000 a year live in these houses.

One thousand two hundred and sixty families making \$850 a year live in these houses.

One thousand nine hundred families making \$975 a year live in these houses.

Two thousand one hundred families making \$1,150 a year live in these houses.

Three thousand two hundred families making more than \$1,200 a year and less than \$1,300 a year live in these houses.

One thousand seven hundred families making more than \$1,320 and less than \$1,440 a year live in these houses.

One thousand four hundred families making more than \$1,440 a year and less than \$1,560 live in these houses.

Five hundred families making more than \$1,600 a year and less than \$1,800 a year live in these houses.

Five hundred families making more than \$1,800 and less than \$1,920 a year live in these houses.

Two hundred families making more than \$1,920 and less than \$2,240 live in these houses.

One hundred families making between \$2,000 and \$2,160 a year live in these houses.

Fifty families making between \$2,160 and \$2,280 a year live in these houses.

And 25 families making \$2,400 a year live in these houses.

These houses were to be built for families making \$60, \$70, and \$80 per month, or \$720, \$840, and \$960 a year. It

is only fair to say that at the time these houses were constructed there was no particular designated limitation or direct authorization to that effect contained in the law. The houses in question were constructed before the United States Housing Authority was created. I mention it, however, merely to show that families making \$2,400 a year find their way into these Government houses built for the very poor, that families making \$1,800 a year found their way into these houses, and notwithstanding that many of them are built near large and congested cities, fairly well-to-do families live in them.

Senators, so long as that point has been raised, let us get down to hard facts. If an apartment costs \$5,540, which is the average cost of one of these family units constructed under the United States Housing Authority programs, how much rent would have to be received a year in order that the apartment could carry itself? Remember, by their own statement it costs an average of \$5,540 per family unit. In general real-estate practice one would have to get a return of 10 percent, which would be \$554 a year. If a 10-percent return is required, how can a man making \$60 a month, or \$720 a year, afford to pay on an apartment rent which amounts to \$554 a year, and leaves him about 50 cents a day to feed and clothe his wife and children?

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

Mr. TYDINGS. I yield.

Mr. WALSH. The Senator made a statement to the effect that in 60 years it would cost the United States two and a half times the original cost.

Mr. TYDINGS. That is correct.

Mr. WALSH. Before proceeding to other aspects of this question, will the Senator amplify that? Will he state just what he means?

Mr. TYDINGS. I will explain that to the Senator.

Mr. WALSH. In connection with what the Senator just said, will he show for the RECORD whether all the families he referred to receiving various incomes, as set forth by the Senator, were given a subsidy?

Mr. TYDINGS. Yes; they all received it. This report will be placed in the RECORD. Since I read the report I have added the entire cost of the apartment houses which are being built. The calculation showed that about \$351,000,000 would be spent to build these 141 apartment houses. Then I added the annual Federal subsidy for each year, and the figures showed that the annual Federal subsidy was over \$13,000,000 a year. By multiplying the annual subsidy by 60 years, which is the time the subsidy contract would run, it amounts to eight-hundred-and-some-odd million dollars; and as the houses cost only three-hundred-and-some-odd million dollars to build, it is obvious that the rent subsidy over a 60-year period is two and one-half times the initial cost of the buildings in the first instance.

Mr. WALSH. I thank the Senator. The Senator is very probably making the distinction which everyone must have in mind in connection with the housing problem, which is that it was first undertaken by a bureau in the Interior Department before we passed the United States Housing Authority Act.

Mr. TYDINGS. Yes.

Mr. WALSH. The housing projects under the Department of the Interior were undertaken without any congressional authority whatever.

Mr. TYDINGS. Yes.

Mr. WALSH. And there was some doubt about the constitutional authority. The President allocated a large sum of money for the building of houses on the theory that it would give employment to craftsmen in the building trades. Am I correct in that statement?

Mr. TYDINGS. Yes.

Mr. WALSH. Will the Senator agree that no one now claims that those undertakings had any definite or special relationship or association with slum clearance, as the average citizen thinks in terms of slum clearance, which means housing people who live in slums?

Mr. TYDINGS. That is correct.

Mr. WALSH. That the people who went in to occupy and who are now occupying these places, in order to become tenants, had to have an income which was sufficient to pay the rent the Government fixed; and the rent, because of the high cost of building, was such that the ordinary working-man could not pay it even after we passed legislation reducing the rents to be levied by charging off 40 percent of the capital cost. Am I correct in that statement?

Mr. TYDINGS. That statement is substantially correct, except that it was shown that the average cost of some of these houses—that is, the cost of house and grounds and everything that went into it—was around \$15,000 per family unit. But, of course, they are occupied by people with incomes of \$1,800 to \$2,000 a year, in some cases, so what the Federal Government did was simply to disregard the initial cost and get as much rent as it could, which was away below the income necessary to carry the cost any further.

Mr. WALSH and Mr. CLARK of Missouri addressed the Chair.

Mr. TYDINGS. I should like to state to both Senators that in my remarks later on many of the points which are being discussed will be taken up in detail.

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

Mr. TYDINGS. I yield.

Mr. WALSH. So we are in the position of already being committed to pay for 60 years a subsidy to a limited number of families.

Mr. TYDINGS. To some 64,431 families.

Mr. WALSH. I should like to have the Senator point out to us what change, if any, has taken place in the granting of the subsidy and the class of persons to whom it is being granted under the Housing Act.

Mr. TYDINGS. I think I shall answer many such questions as I go along.

Mr. WALSH. I thank the Senator.

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

The PRESIDING OFFICER (Mr. LEE in the chair). Does the Senator from Maryland yield to the Senator from New York?

Mr. TYDINGS. Will the Senator let me proceed for a few minutes? I feel that as I break down the figures I shall probably clarify what up to now has been a general statement.

Mr. WAGNER. If the Senator will bear with me, there is one distinction, that I am not sure was clearly made, between the method of paying subsidies under the United States Housing Authority and the subsidy which was provided for the houses to which the Senator from Massachusetts referred, which were built under the National Recovery Act. In those cases no annual subsidies are provided.

Mr. TYDINGS. That is correct.

Mr. WAGNER. The Senator understands that.

Mr. TYDINGS. I tried to make that clear.

Mr. WAGNER. They were not built under any regulations provided by Congress.

Mr. TYDINGS. No. The chart I read shows the old houses, not the new houses built under the United States Housing Authority. I cited the illustration simply to show what had taken place in the past. Many of the houses are not yet occupied. They are in course of construction. However, I am pointing out the danger of what has happened in the past. Families of relatively high income desire to get into the houses, and the whole point of the program will be missed if that is permitted in the future. I have not yet charged the United States Housing Authority with such practices.

Mr. WAGNER. This is not the first time the Senator has opposed the program of social service under the Housing Act. The Senator recognizes a great distinction between the houses built under the jurisdiction of the Secretary of the Interior—

Mr. TYDINGS. I have so stated four or five times, Mr. President. I have just stated that there was no restriction in connection with the houses used in the illustration.

Mr. WAGNER. Exactly.

Mr. TYDINGS. And that so far the Federal Housing Authority has not completed houses in any great number as to

which such a thing could be done. However, I wish to say to the Senator that I never felt more secure than I do today in my opposition to the proposal which the Senator sponsored. I have already proved that the living quarters being built under the program cost more per family unit than does the average home now occupied by the average American family. I have already proved by the figures of the Housing Authority itself that the rent subsidy of over 60 years will cost two and a half times as much as the original cost of the building. I have already proved that all the other poor people in America will have to contribute extra taxes to take the place of the taxes which are excused to the few poor people who live in these buildings, and that those in the houses will be living on a plane far beyond that of the average American family.

I shall go further into detail. If the Senator had accepted some of the protecting amendments which were offered on the floor of the Senate, we should not today be in such a sorry state, and there would not have been the extravagant waste of money which I am trying to bring out, in the hope that the present Congress will correct the legislation before it pours \$800,000,000 more, which is requested of this Congress, down the same rat hole.

Mr. WAGNER. The Senator insists that he has established certain facts. He is an advocate on his side. I find no fault with that; but I shall study the figures of the Senator.

Mr. TYDINGS. I intend to put them in the RECORD.

Mr. WAGNER. At a later time, perhaps, I shall make some observations, after I have had an opportunity to study the figures.

Mr. TYDINGS. The rent subsidy to be paid by the United States Government over a 60-year period on these 141 projects will amount to \$831,861,840, according to figures from the United States Housing Authority report. This is approximately two and one-half times the original entire cost of erecting these apartment houses.

Here is a significant figure, and I hope I may have the attention of the Senator from New York, for the figure is absolutely startling. If we divide the total rent subsidy by the number of families occupying these apartment houses, we find that the result is \$12,910 for each family. Moreover, this is actual money paid out of the Treasury of the United States. This means, on an average, a rent subsidy of \$215 per year for 60 years for every family living in the Government apartments; \$215 in rent is to come out of the Treasury of the United States each year for 60 years to pay a part of the rent of 64,000 families who are in a preferred class and who live in better quarters than does the average American and who at the same time are exempt, in whole or in part, from other taxation.

It will be recalled that under the terms of the original act the United States Housing Authority was to lend 90 percent of the cost of the project to the municipalities. The other 10 percent was to be put up by the municipality itself, to complete the sum necessary to finance the entire construction of the new apartment houses.

However, as has been pointed out, the annual contribution made by the United States Housing Authority to each municipality is sufficient in itself to repay the entire loan to the Federal Government, as well as to pay off all the local contribution at one and the same time and still leave the municipality with a profit.

In effect, these transactions amount to the Federal Government furnishing the apartment houses to the various cities of the country free of any cost whatever, for the United States Housing Authority gives the city each year, in the form of a rent subsidy, a sum larger than the debt which the city owes the United States Housing Authority for that year.

In other words, the Government of the United States is now providing free homes for 64,431 families in the United States—homes, mark you, which are exempt in whole or in part from local taxation; homes which cost more than the average home in America; and homes for which the Federal Government agrees to pay each family residing therein \$215 a year for 60 years toward any rental which the municipalities may charge the occupants.

Let us take a concrete case. In Maryland eight of these projects are under way, five of which will replace slum dwellings, one in part slum dwellings, and two will be built on vacant land. Many of the dwellings do not replace slums at all. A large percentage of them do not take the place of slums at all. In many cases they are built on vacant land. In Maryland, out of six, two are built entirely on vacant land, and three-quarters of the land occupied by a third is vacant.

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

Mr. TYDINGS. I would rather continue at this point, and then I will yield to the Senator. I will not cut him off. I wish to make the argument before I yield.

Mr. WAGNER. The question has to do with what the Senator has just stated.

Mr. TYDINGS. I will give the Senator an opportunity.

The proposed cost of the eight houses in Maryland will be \$24,523,400. Of this amount, the United States Housing Authority has loaned \$22,069,000 to the municipalities where the houses are to be built, and \$2,701,000 is to be put up by the local municipalities, which sum includes certain preliminary administration costs not a part of the construction cost itself.

Keep in mind that these eight houses in Maryland have an outside cost of \$24,523,400.

The \$22,069,000 put up by the Federal Government is, of course, loaned to the municipalities, and is to be repaid by them. However, the Federal Government has made a contract to give these municipalities the sum of \$944,112 a year, and in 60 years this annual contribution will amount to \$56,646,720. Thus, in 60 years the Federal Government will furnish to the cities in Maryland about two and one-half times the amount of money which the cities in Maryland have borrowed from the Federal Government to build the houses in the first instance.

That figure applies, in general, to every State in the Union. I have taken the figures for my own State from the report issued December 22 to show that the Federal Government is giving to Baltimore and to Annapolis each year more money than the city of Baltimore or the city of Annapolis owes the Federal Government. Over a period of 60 years the Federal Government will give those cities two and a half times what the buildings in the two cities cost. The same thing is true of every other State in which this policy is in effect. In other words, the Federal Government will give to the cities of Maryland not only enough to repay the loan granted them but also to pay all the local contribution toward the maintenance of these houses, and still leave in the hands of the cities a cash sum for other purposes. This is the plan followed in all the other States of the Nation.

The conclusion is inescapable. In Maryland, at public expense, eight apartment houses are to be built, which, in effect, will be paid for entirely by the Government of the United States and not at all by anybody else. When built, these houses will become the property of the cities, and each of these family units will cost more to build than does the house occupied by the average American family today. Thus, in effect, the Government is building free homes for the people of the Nation, for that is what it amounts to, when the contracts are analyzed. The city, in effect, will make no contribution worthy of the name to the cost of these houses, and the Federal Government is borrowing the money and increasing the national debt in order to accomplish the building of these homes.

These apartment houses being exempted in whole or in part from local taxation, those who build their own homes or who live in rented houses must, perforce, pay more taxes than their just share in order to make up the taxes from which the families living in these new apartment houses are excused.

Thus the Government builds a finer house than the average American family lives in, free of any cost to the cities wherein they are built, and then insists that all the other people of America be taxed more to pay the taxes which those who live in the Government apartment slum-replacing houses are excused from paying.

Of course, in these calculations I have not included the interest which all the taxpayers of America must pay on the \$500,000,000 which the United States Housing Authority lends to the municipalities, for the United States Housing Authority must borrow this money before it can lend it, and all American taxpayers must pay the interest thereon.

Let me revert again to the annual rent subsidies on the 141 projects under way which the United States Housing Authority has contracted to pay to the various municipalities for 60 years in the future, amounting to \$13,864,364 a year, or \$831,861,840 for 60 years—about two and a half times the original cost of the projects.

Astounding as are these figures, which show the present status of the rent subsidy matter, this is only the beginning. Last June, Mr. Straus, the United States Housing Authority Administrator, appeared before the Senate Appropriations Committee in connection with appropriations for the United States Housing Authority. I wish to quote briefly from the testimony by Mr. Straus at that hearing:

Senator TRYBLES. Have you any estimates of what will be the ultimate outlay for rent subsidies without including interest on outlay; straight outlay itself, on your 60-year subsidy contracts?

Mr. STRAUS. Senator, that question is one, of course, which is always asked and I do not know whether any country in the world ever has been able to answer it and certainly I cannot tell you that I have the answer. The British budget today has an amount in it for subsidy exactly parallel to ours. Their scheme is parallel to ours, and they have an item in it in the amount of \$85,000,000.

On the basis of population, their population is about a third of ours, it would be about \$250,000,000 for annual subsidies.

We have in this bill today about \$20,000,000—

That is, when they got the first subsidy—

and we are talking about \$35,000,000, you know, and that is the best answer I can give you.

So we have entered upon a policy which, according to the Housing Administrator himself, will eventually entail the expenditure of \$250,000,000 a year for each year for 60 years in the future in order to pay a part of the rent of people who live in better homes than the average American lives in and who are exempt in whole or in part from local taxation. That is the problem; and it is all done in the interest of helping the deserving poor. I am going to show, in a few moments, how the poor have been looked after, not by the Federal Government but by private housing. The figures showing the comparison, as they do, of the waste of money as between Government building and real, substantial building costs of private planning, are startling.

Thus, we have it from Mr. Straus himself, the present U. S. H. A. Administrator, that eventually these annual rent subsidies, instead of being \$13,000,000 a year, as is now the case, will reach a quarter of a billion dollars a year and will, it is likely, run every year for 60 years in the future. So, in 60 years, approximately \$15,000,000,000 will go for rent subsidies.

When the program of the U. S. H. A. is finally carried out, 1,150,000 families in the United States will be having a part of their rent paid each year for 60 years, at the rate of \$215 per family per year, out of the United States Treasury.

To state the same thing differently, 1 out of every 30 families in America will be living in houses built by the Government and presented to municipalities free of any cost to them, which houses will cost more per family unit than the average American dwelling house. Moreover they will not only be living in better houses than does the average American family but they will have a part of their rent paid by the Government. And, thirdly, notwithstanding these two advantages, they are to be exempt from their proportionate share of local taxation in whole or in part.

Of course, rent payers in privately owned dwellings pay their proportionate share of local taxes indirectly, as the owner includes this item in the rental charge. As the Government apartment buildings are to be exempted from taxes, those renting the apartments will not be paying their share of local taxation.

These Government apartment houses, even though municipally owned, are not like other city property, such as court-

houses, city halls, fire houses, and the like. They perform no such civic functions, but are purely dwelling property, which has always constituted a principal source of tax revenues for a city. Thus the municipality will be deprived of revenues which it should justly receive from such property.

As at present only about one-fourth of our national revenue is derived from corporate and individual income taxes and the remainder of our national revenue comes from the masses of the people, it is not farfetched to say that the vast remainder of the working people of America are to be taxed to provide homes for the 1,150,000 families who will live in homes better than the average American occupies. The remaining workers will be contributing from their own earnings to the Federal Government so that the Government may have the money with which to pay a part of the rent of the 1,150,000 families living in these better-than-average homes.

In striking contrast to this venture in state socialism, which is really the plan now being followed by the United States Housing Authority under the act, is the story of housing as it is being carried on under private supervision in Fort Wayne, Ind. In that city private capital is providing new, modern houses for people of low income, without any rent subsidies, without exemption from local taxes, and without borrowed money from the Federal Treasury.

There private capital set out to meet the housing shortage and to provide better living quarters for the people of that community, attacking the problem in a practical manner.

The designers of the Fort Wayne house began with the basic fact that 4,935 families in that city had never had any bathing facilities, that 2,642 families had never had anything better than outdoor privies, and 890 families had never enjoyed running water in their homes.

Starting with these facts, they undertook to design a house which would be safe and sanitary and infinitely better than the wretched shacks in which these families lived, but which would not necessarily measure up in cost to conventional American middle-class standards. The designers proceeded on the assumption that high-priced fixtures, such as sunken bathtubs, silent flushing seats, and heliotrope paper, indirect lighting, and the like, were not necessary in providing good houses with modern conveniences, which might be rented at a low figure.

Many of the people it was proposed to rehouse had had to carry their water in buckets from a communal pump. Other of their living conditions were deplorable. The aim of the designers was to produce a house with the modern essentials of sanitation, comfort, and convenience, but, in order to hold the cost down so that the rent necessary would not be beyond the means of the new occupants to pay, all frills were omitted.

The result was a house with two bedrooms, a combined living room and kitchen, and a bathroom. The combined living room and kitchen was larger than the average middle-class living room—easier to keep clean and generally more satisfactory than two small rooms. All the houses built were immediately occupied as soon as they were constructed, and there were 600 applications on file for more houses at the time of my inquiry. The over-all cost of this house is less than \$900.

Perhaps, in their effort to meet the minimum, the designers in Fort Wayne went too far in the low-cost direction. I am not maintaining that the United States Housing Authority should build houses costing \$900 per family unit; but there is a striking dissimilarity between the \$900 outlay of private capital, and the houses so produced, and the \$5,520 which the United States Housing Authority says is the average cost of a family unit in its new Government apartment houses.

Perhaps somewhere between these two figures is the reasonable and correct mean. The United States Housing Authority apartment houses are supposed to be built for the lowest possible income earners of the country, said on the floor of the Senate by the sponsors of the bill to be families making \$60, \$70, and \$80 a month.

I venture to say that if the designers who put up the \$900 house in Fort Wayne were given \$2,500, which is nearly

three times the cost of their house, they could produce a thoroughly presentable, durable, and comfortable house containing a living room and kitchen, two bedrooms, bath, front and back porch, to be built on a separate lot of ground, properly landscaped, which would surpass in all-around utility, space, and appearance the \$5,520 family units being built by the United States Housing Authority.

In other words, if out in Fort Wayne a result like that which I have described can be produced for \$900, I venture to say that for \$2,500 a house can be built vastly superior to the \$5,520 per family unit being built under the U. S. H. A.

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

The PRESIDING OFFICER (Mr. Lucas in the chair). Does the Senator from Maryland yield to the Senator from New York?

Mr. TYDINGS. I do.

Mr. WAGNER. Were the Fort Wayne houses constructed by W. P. A. workers?

Mr. TYDINGS. No.

Mr. WAGNER. The Senator is sure about that?

Mr. TYDINGS. Yes; at least, I inquired, and the answer was "no," unless I have been misinformed. Even so, we have relief programs all over the United States.

Mr. WAGNER. Under the act which we passed last year we provided that the workers shall receive the prevailing rate of wage, and there is a difference between the wage of W. P. A. workers in the smaller communities and the prevailing wage which Congress insists shall be paid under last year's act.

Mr. TYDINGS. That is correct.

Mr. WAGNER. Incidentally, I am in favor of that provision. I do not know whether the Senator from Maryland is or not.

Mr. TYDINGS. I have in my office a picture of the \$900 house which private capital is building in Fort Wayne on a large scale. I find that it is neat and attractive in appearance, that it stands on a separate plot of ground, that it has shrubbery around it, and that it is really more of an individual home than is likely to be provided in one of the Government apartment houses. Indeed, in comparing the floor plan with that of the Government house, there is very little difference in the arrangement.

I have not seen the Fort Wayne houses; only the pictures of them. It may be that their construction is not as substantial as it should be; but I return to the argument: There is a great difference between the \$900 cost of the Fort Wayne house and the \$5,520 per family unit of the United States Housing Authority building.

If the cost of the United States Housing Authority family units could be reduced to one-half the present figures—that is, \$2,755 per family unit—then, instead of taking care of 64,000 families, we could take care of 128,000 families for the same money; and even then we would be paying three times as much per family unit as the Fort Wayne house costs, built by private capital.

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

Mr. TYDINGS. I yield.

Mr. HOLMAN. The Senator has been talking about average costs. Is he prepared to say what the maximum costs are?

Mr. TYDINGS. I am coming to that subject in a minute.

Mr. HOLMAN. There is a maximum, is there?

Mr. TYDINGS. Yes; that is on the next page of my manuscript, I believe.

Then it would not be necessary to provide rent subsidies, or to exempt such houses from local taxation, as is the case in the \$5,520 units now being constructed by the United States Housing Authority. Moreover, if the Fort Wayne plan were followed, these families would have the benefits of fresh air and open spaces and some beauty around them. But, even so, the Federal Government should not, regardless of the cost, provide that such houses be exempt from local taxation; and the Federal Government should not specify that it will pay a part of the rent of the occupants for 60 years in the future, as is now the case.

In that connection, I will remark that that has been the policy adopted by Sweden, which has quit trying to build a large number of houses in the big cities and has moved the population out to surrounding areas where each family has a home and a little bit of ground; and that is true of the general housing plans all over the world. Governments are getting away from rent subsidies. They have given them up in Sweden. They are giving them up in other countries. They are trying to build a substantial and a good house, on such a plan that the Government can then substantially withdraw from the field and let the family go alone.

The cost of building a family unit in these new Government-constructed houses varies, of course, in each State. In New York State, one new apartment house is costing \$6,562 per family unit. In the city of Washington, right here in the Capital City, another of these Government-constructed apartment houses, wherein will be housed 246 families, will cost \$6,142 per family unit. These figures are far above the cost of the average house in which the average American today lives, whether he built it, or owns it himself, or rents it.

Keep in mind the fact that these apartment houses, costing \$6,100 and \$6,500 per family unit, are, under the law, to be occupied by families with \$60, \$70, and \$80 a month income, or annual incomes of \$720, \$840, and \$960.

Houses built by private capital, costing \$6,100 or \$6,500, must necessarily be rented for 10 percent of the entire construction cost—that is, for \$610 or \$650 a year, respectively—to cover amortization of the cost, taxes, interest, repairs, insurance, upkeep, and so forth.

If a family making \$70 a month, or \$840 a year, is required to pay \$650 a year for rent, that leaves only \$190 out of the annual family income, or about 50 cents a day, to clothe and feed the family and pay the other expenses. Certainly no family making \$840 a year can afford to pay for rent and shelter more than one-third of its income, or about \$280, and have enough left over for the bare necessities of life. But how can one of these families pay the rent of an apartment which costs \$6,500 to build? It just cannot be done. Consequently, the National Government will contribute an average of \$215 a year each year for 60 years indirectly to these families to pay a part of the rent and will require the cities to exempt these families in whole or in part from local taxation.

It therefore seems apparent that the first thing Congress should do is to reenact the law governing the slum-clearance or rehousing program, so as to bottom the outlay per family on more of a self-sustaining basis. I am of the opinion that a good, adequate, and healthful house below the present average U. S. H. A. cost of \$5,520 per family unit is not difficult to obtain.

If this is done, it will not be necessary for the cities to exempt such homes in whole or in part from local taxation; it will not be necessary for the Federal Government to pay a part of the rent each year for 60 years for those who live in such homes; and for the same amount of money that Congress appropriates, twice as many homes can be built, which will lift the slum dwellers out of ramshackle and unsafe buildings and place them in sanitary and decent living quarters.

To appropriate more money on the present plan outlined by the law as now administered is to waste hundreds of millions of dollars in building costs and commit the Federal Government for 60 years to an annual bill which will eventually reach a quarter of a million dollars annually in rent subsidies and which will only take care of a small percentage of the poorly housed families, because the money is being used to build homes which cost more than those of the average American family.

I note in the city of Baltimore, as in other cities, that the average cost per family unit of one Government apartment house under construction is \$6,354. That is away above the cost of the average home which the average citizen of Baltimore lives in today; and so it is in other cities. Yet the average family renting or owning a home built by private capital pays directly or indirectly its full share of the taxes

and receives from the Federal Government no annual sum to pay a part of its rent. Consequently, such a family must take from its earnings an additional sum, first, for Federal taxes for these rent subsidies, and, second, to make up the local taxes which occupants of the new Government houses are excused from paying in whole or in part.

When you drive north, and enter the city of Baltimore to go out toward Philadelphia and New York, it is necessary to cross almost the entire middle of the city; and if you drive through that route of 3 or 4 miles you will pass houses not 5 percent of which cost \$6,300. In other words, in Baltimore City we are building, for people of the lowest possible income, houses which cost more per family unit than 90 percent of the houses in Baltimore City cost; and the people who live in these Government-constructed houses are to be exempt in whole or in part from local taxation, and are to have an average of \$215 per family per year paid as a part of their rent for 60 years in the future.

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

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. TYDINGS. I do.

Mr. WALSH. Does the figure for Baltimore, which the Senator is giving, include the land as well as the houses?

Mr. TYDINGS. Yes; I am taking the outside figure; but, as a general rule, land is not a large part of these costs.

Is not that astounding? The other day I sent a telegram to the Real Estate Board of Baltimore City and asked them if they could tell me the cost of the average home in Baltimore. Why, Mr. President, not more than 10 percent of the people of Baltimore live in such a high-priced establishment as a \$6,500 home. Most of the homes cost \$1,500 or \$2,000 or \$2,500. Baltimore, you will recall, is a city of homes, not of apartment houses. There are long rows of houses. Under these plans we are building family units costing \$6,500 for the low-income groups in Baltimore City, when perhaps the cost of the average home in Baltimore today is less than \$3,000 per family unit. Can you believe it? And then, besides, we are committing the Government to paying a part of the rent of those families for 60 years in the future.

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

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Virginia?

Mr. TYDINGS. I yield.

Mr. BYRD. The Senator no doubt is familiar, too, with the construction done under the Resettlement Administration.

Mr. TYDINGS. I referred to that a moment ago.

Mr. BYRD. In Tugwelltown, as I recall, in the Senator's own State, the average unit cost is about \$16,000. In Hightstown, N. J., the average unit cost for a dwelling is \$21,000.

Mr. WAGNER. Will the Senator yield at that point? I know he does not want to make an inaccurate statement?

Mr. TYDINGS. I yield.

Mr. WAGNER. In the law there is a provision that at the end of each 10 years there is to be a reexamination of the amount of the subsidy that is agreed to be paid, to determine whether the economic situation has changed, whether the dwellers can afford to pay more, and other facts, so that it is not strictly accurate to say that for a period of 60 years we are to be required to pay these subsidies to which the Senator refers. There may be a modification. I think the examination under the law is required after the first 10 years, and then every 5 years thereafter. The Senator is familiar with that provision, I think.

Mr. TYDINGS. Yes; but permit me to point out to the Senator that when the bill was pending on this floor the bill provided that the United States Housing Authority was to make contracts for a period of 20 years but not more than 60 years, and the Senator now speaking asked in the debate, I do not remember whether it was the Senator from New York or some other sponsor of the bill who was interrogated, whether the contracts were to be made on a 20-year basis or a 60-year basis. We were told, as the record of the debate will show, that they were to be made on the basis

of 20 years or less. I asked Mr. Straus the direct question, "Have you made 60-year contracts for each of these houses?" And Mr. Straus answered in the affirmative in all cases.

It may be true that he will have the right of revision in 10 years; but does the Senator think that, with these houses spread in every State in the Union, as they will be, when the reports come in from the thousands of families who live in them and from the municipal authorities, the Government is going to take any step which will be tantamount to abrogation of any contract in whole or in part?

If they can be revised, who knows that they will not be revised upward instead of downward? Certainly, from the extravagance of the administration up to date, as I think I have proven by their own figures pretty conclusively, we would be very great optimists if we presumed they were going to be revised downward.

Mr. WAGNER. The Senator has asked me a question. I have a little more confidence in public officials than the Senator has.

Mr. TYDINGS. I have not much in this particular activity.

Mr. WAGNER. The Senator is making these general statements—

Mr. TYDINGS. I am not making a general statement. The Senator from New York is making a general statement. I am taking their own figures to substantiate every remark I have made.

Mr. WAGNER. The Senator says that is extravagance.

Mr. TYDINGS. Does the Senator think that \$6,300 as the cost of a slum-cleared family dwelling in Baltimore City, which is above the cost of 90 percent of the homes which the people over there occupy, which is to be exempt, in whole or in part, from local taxation, and to have a rent subsidy for 60 years in the future of \$215 a family, is economical?

Mr. WAGNER. I would say offhand it is not economical; but I want to have all the facts, and therefore, if the Senator will permit me, after he is through I should like to examine his figures.

Mr. TYDINGS. I am going to put them in the RECORD.

Mr. WAGNER. And then perhaps at a later date, after I have had a chance to study them, I may attempt to answer them, either to show there was not the extravagance—and I am quite confident there was not any extravagance—or concede what the Senator has said to be true.

Mr. TYDINGS. I shall put the figures in the RECORD, and I think the Senator will find, when he examines them, that I have taken the very figures from Mr. Straus' own department, issued on December 22, 1938, to substantiate every remark I have made on this floor. The adding-machine figures for all the columns are here, and unless the adding machine is out of order, I would pretty near bank on its accuracy.

Mr. WAGNER. I have heard from the localities which have had to do with the United States Housing Authority that their administration has been very efficient and very economical. That is a mere general statement. If I cannot justify it after I study the Senator's speech, I will concede the Senator to be correct; but my opinion is to the contrary.

Mr. TYDINGS. The Senator would be wise to buttress his observations with facts, as I am doing, before he even attempts to debate the question.

Mr. WAGNER. I think I always try to sustain my position with facts. We may disagree as to the application of the facts.

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

Mr. TYDINGS. I yield.

Mr. KING. I was interested in the question as to whether or not there was any chance for one of the occupants of these houses to obtain title. Suppose through some good fortune the occupants were able to purchase a home, one of these four-room homes in an apartment house. Could he do so?

Mr. TYDINGS. As I understand, he could not. They are owned by the municipality. I believe that question has been

raised, but unless guarantees are given of such a nature as to be prohibitive, title cannot pass. According to my information, no title has passed up to date.

Mr. KING. Then we are not providing opportunities for families to acquire homes. They have to be renters for 60 years.

Mr. TYDINGS. That is correct. I say without fear of successful contradiction that if houses such as I have described can be built in Fort Wayne, Ind., for \$900, and the Federal Government is spending \$5,520 per family unit to build houses for similar purposes, this glaring discrepancy in itself is enough to prove conclusively to any reasonable man that the sum spent per family unit by the Federal Government, or under its direction, is a wasteful and extravagant expenditure, depriving other families in similar circumstances from receiving equal treatment, because of these high prohibitive costs; to say nothing of excusing families from paying their proportionate share of local taxation, and giving them an annual rent subsidy from the Treasury of the United States for 60 years in the future.

Sweden long ago abandoned the rent subsidy as impractical, and it has been modified in other foreign countries, in the light of experience. We in the United States might profit by their experience.

Incidentally, as to the houses in Great Britain, the plans of which are somewhat similar to ours, though not directly parallel, as Mr. Straus testified, I find on examination I have not the exact figure, but they cost about \$2,800 per family unit.

Mr. WAGNER. Mr. President, if the Senator is addressing himself to me, in drafting the legislation I took absolutely the same system of financing that Great Britain and the Scandinavian countries are using. I went over to those countries at my own expense and studied the situation.

Mr. TYDINGS. The Senator means that he put no limitations in his law. There are no limitations as to the amount of subsidy, there are no limitations as to the cost, there are no limitations in the Senator's measure. He practically left the top wide open. We tried to put limitations in the bill on the floor of the Senate.

Mr. WAGNER. There is a limitation as to the cost per room.

Mr. TYDINGS. What is the limitation?

Mr. WAGNER. A thousand dollars per room.

Mr. WALSH. The Senator means per unit, does he not?

Mr. WAGNER. Yes; and a limitation of \$4,000 per family unit.

Mr. TYDINGS. It was the intention of Congress that none of these family units should cost more than \$5,000, and I have already shown that the average cost per family unit in all these apartment houses is \$5,520, and some of them run to nearly \$6,500.

Mr. WAGNER. If the Senator has been accurately informed—

Mr. TYDINGS. There is no limitation on the rent subsidy. It is not provided whether it shall be 10 percent of the cost per year or not over 5 percent, or 1 percent.

Mr. WAGNER. But there is a very clear definition.

Mr. TYDINGS. Yes; a definition through which you could drive the whole United States Army and not even know where they had been.

Mr. WAGNER. It is much more restricted than the laws in these other countries.

Mr. TYDINGS. I should like to conclude. I have been talking a long time.

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

Mr. TYDINGS. Yes; for just a question.

Mr. REYNOLDS. The Senator stated that the per-unit cost was \$5,520. I wonder whether the Senator knows what proportion of that was administrative cost.

Mr. TYDINGS. I shall be glad to hand the Senator the table, which shows the cost in each State and for each project. The administrative cost is not so large; it is substantial,

but not large. The Senator can find it in one of the six columns in the report.

The United States Housing Authority is asking for \$800,000,000 more to be spent along the same lines as those I have indicated. Let me say to the Senator from North Dakota and to other Senators that this money is not being used to rehabilitate the poor people who live in the country districts. I can drive through the countryside of Maryland and show the Senator houses in a much worse state than are many of the houses in the city which are being removed. This program seems to be confined almost entirely to the big cities of the country. No effort is made under this law to raise the standard of living of the agricultural worker, who makes a very small income, as a general rule, and whose house is not always sanitary, and who does not have electric lights and does not have bath tubs and does not have many of the other conveniences which are enjoyed by city people.

If Congress appropriates the \$800,000,000 sought, in the light of the facts, much of it is going to be wasted and many families which could be provided for will be denied better living conditions, which could be obtained under a more economical administration.

Before more money is appropriated, a ceiling on ultimate costs should be fixed in the present Housing Act, a ceiling which will permit the spreading of the benefits of the rehousing policy to thousands of families who otherwise will be denied better living conditions. Such a policy will be fairer to those who live in privately constructed dwellings and will save the Treasury of the United States, over a 60-year period, from ten to fifteen billions of dollars in rent subsidies, which, of course, must be provided by taxes on all the people.

When these houses are finally built and the occupants move in, there is going to be a tremendous protest against the plan now being followed, a protest that is not without justification. If we are wise, therefore, before appropriating more money for housing, we should insist that these new houses should not cost more than \$3,000 a family unit, and that the waiver of local taxation of the occupants therein be discontinued, in which case the annual rent subsidy from the Treasury of the United States will not be necessary.

The present program needs drastic and immediate revision, particularly in view of the mounting national debt, the annual recurring deficits, the millions of poorly housed families which under present circumstances are penalized to make their contribution for annual rent subsidies, on the one hand, and on the other, denied living conditions equal to those who will be fortunate enough to occupy these expensive Government houses.

When this law was before Congress some of us attempted to point out the possibilities and probabilities which are now realities. It is not yet too late to save billions of dollars to the Treasury of the United States, without denying to a single worthy family the opportunity to live in quarters better than those they are now occupying.

Considering the \$900 family unit cost in Fort Wayne and the \$5,520 family unit cost under the slum-clearance program, who is there to say that the problem of rehousing the low-income groups cannot be speeded up, widely extended, and conducted henceforth on more enduring and economical lines?

Further to postpone a full examination of the problem is in my judgment to invite the destruction of the housing program through the disgust and condemnation of the people of the country when the full meaning of what is taking place becomes known.

In substantiation of my remarks, Mr. President, I ask unanimous consent to have published in the RECORD, as a part of and immediately following what I have said, the table prepared by the United States Housing Authority, released on December 22, 1938, which shows the location of each project, its development number, the Presidential list number, the date approved by the President, the number of new family

dwellings, whether built on slum or vacant sites, the proposed cost per family unit of land, nondwelling facilities, net construction cost, equipment, architect's and overhead cost, and the total cost; the proposed entire cost of the project, the amount of Federal loan, the amount of local capital participation, the annual Federal contribution, the annual local contribution, and the proposed shelter rent per room per month to be charged.

From these figures it will at once be seen that the rent to be charged is far below that necessary to carry these expensive living quarters, and the reason for the annual rent subsidy and exemption from local taxes will at once appear.

From these figures also it will be apparent, in my judgment, that houses on a more economical basis can be built which will eliminate the very objections to which I have alluded.

That should be one of the immediate tasks of the present Congress before more hundreds of millions of dollars are

spent in such an extravagant manner, which millions, incidentally, we do not have and which we are borrowing, while committing ourselves at the same time to an annual outlay on these houses, which will run into billions of dollars before the rent subsidy contracts expire.

In Sweden, in Holland, in Belgium, in Great Britain, and in some other countries plans something like this have been adopted. The program is an experiment in our own country. If we really want to avoid just criticism, the Housing Authority itself ought to come before Congress and suggest amendments which will restore the confidence of the Congress and the country in the program as we contemplated it would work out when it was adopted.

The PRESIDING OFFICER (Mr. Lucas in the chair). Without objection, the tables referred to by the Senator from Maryland will be printed in the RECORD at this point.

The tables are as follows:

Department of the Interior, U. S. Housing Authority—Summary of Presidential lists, Nos. 1 to 10, inclusive

Location of project	Develop- ment No.	Presi- dential list No.	Date ap- proved of by Presi- dent	Num- ber of new family dwell- ings	Slum or va- cant site	Proposed cost per family dwelling					Proposed cost, entire project	Federal loan ⁶	Local capital participa- tion ⁷	Federal annual contribu- tion ⁸	Local annual contribu- tion ¹⁰	Proposed shelter rent per room per month ¹¹	
						Land ¹	Non- dwelling facili- ties ²	Dwelling facilities									Total
								Net con- struc- tion ⁴	Equip- ment, archi- tects, and over- head ⁵	Total							
Alabama (3)				1,258								\$6,087,071	\$5,477,000	\$671,110	\$234,338	\$95,864	
Birmingham	Ala. 1-1	3	June 2, 1938	860	Vacant	¹ \$454	\$742	\$3,287	\$462	\$3,749	\$4,945	4,253,071	3,828,000	467,110	⁸ 163,743	59,869	¹¹ \$4.25
Mobile	Ala. 2-1	5	Sept. 7, 1938	100	do	¹ 167	862	3,005	496	3,501	4,530	453,000					¹¹ 3.75
Do	Ala. 2-2			298	Slum	¹ 632	835	2,705	462	3,167	4,634	1,381,000					¹¹ 3.75
Total				398								1,834,000	1,649,000	204,000	⁸ 70,595	35,995	
California (6)				1,477								7,675,000	6,905,000	846,000	295,365	186,770	
Los Angeles County	Calif. 2-1	9	Dec. 7, 1938	250	Vacant	¹ 298	1,450	2,808	592	3,400	5,148	1,287,000					¹² 4.25
Do	Calif. 2-2			233	do	¹ 76	1,678	2,807	593	3,400	5,154	1,304,000					¹² 4.25
Total				503								2,591,000	2,331,000	286,000	⁸ 99,715	56,535	
Oakland	Calif. 3-1	5	Sept. 7, 1938	400	Slum	¹ 1,490	599	2,733	470	3,203	5,292	2,117,000					¹¹ 4.25
Do	Calif. 3-2			156	do	¹ 1,090	599	2,733	469	3,202	4,891	763,000					¹¹ 4.25
Total				556								2,880,000	2,591,000	318,000	⁸ 110,845	80,442	
San Francisco	Calif. 1-1	10	Dec. 14, 1938	118	Vacant 10 percent slum.	¹ 672	664	2,791	602	3,393	4,729	558,000					¹² 4.00
Do	Calif. 1-2			300		¹ 361	1,460	3,020	585	3,605	5,426	1,646,000					¹² 4.00
Total				418								2,204,000	1,983,000	242,000	⁸ 84,805	49,793	
District of Columbia (4)				1,257								7,336,000	6,600,000	812,000	282,415	141,208	
Washington	D. C. 1-1	8	Nov. 28, 1938	282	Vacant	¹ 171	1,400	3,413	587	4,000	5,571	1,571,000					¹¹ 3.75
Do	D. C. 1-2			246	Slum	¹ 1,936	556	3,125	525	3,650	6,142	1,511,000					¹¹ 3.75
Do	D. C. 1-3			428	do	¹ 1,623	774	3,178	523	3,701	6,098	2,610,000					¹¹ 3.75
Do	D. C. 1-4			301	Vacant	¹ 160	1,249	3,451	602	4,053	5,462	1,644,000					¹¹ 3.75
Total				1,257								7,336,000	6,600,000	812,000	⁸ 282,415	141,208	
Florida (6)				1,212								5,680,858	5,113,000	626,000	226,267	185,017	
Jacksonville	Fla. 1-1	2	Apr. 19, 1938	224	Vacant	¹ 266	994	(11)	(11)	3,833	5,093	1,140,625	1,027,000	125,000	⁸ 43,925	25,170	¹¹ 3.82
Orlando	Fla. 4-1	9	Dec. 7, 1938	156	Slum	¹ 147	712	2,128	640	2,768	3,627	609,000	548,000	67,000	⁸ 23,415	12,759	¹² 3.25
Pensacola	Fla. 6-1	7	Nov. 3, 1938	120	do	¹ 813	759	3,112	508	3,620	5,192	623,000					¹¹ 3.50
Do	Fla. 6-2			120	25 percent slum.	¹ 362	798	3,001	422	3,423	4,583	550,000					¹¹ 3.00
Total				240								1,173,000	1,055,000	130,000	⁸ 45,150	56,968	
St. Petersburg	Fla. 2-1	4	July 16, 1938	242	20 percent slum.	¹ 321	737	2,910	433	3,343	4,401	1,065,000	959,000	117,000	⁸ 43,931	33,164	¹¹ 4.00
Tampa	Fla. 3-1	4	do	350	51 percent slum.	¹ 758	580	3,076	424	3,500	4,838	1,093,233	1,524,000	187,000	⁸ 69,846	56,956	¹¹ 3.75
Georgia (10)				3,888								19,638,200	17,672,000	2,165,000	755,965	440,983	
Atlanta	Ga. 6-1	9	Dec. 7, 1938	602	Slum	¹ 552	719	2,926	697	3,623	4,894	3,340,000					¹² 3.25
Do	Ga. 6-2			604	do	¹ 438	743	2,694	585	3,279	4,460	3,054,000					¹² 3.00
Do	Ga. 6-3			634	do	¹ 530	655	2,784	698	3,482	4,667	3,410,000					¹² 3.25
Do	Ga. 6-4			598	do	¹ 601	632	2,729	643	3,372	4,605	3,154,000					¹² 3.00
Total				2,438								12,958,000	11,661,000	1,429,000	⁸ 498,855	265,105	
Augusta	Ga. 1-1	2	Apr. 19, 1938	167	Vacant	¹ 101	803	(11)	(11)	3,645	4,549	759,800					¹¹ 3.62
Do	Ga. 1-2			168	do	¹ 54	706	(11)	(11)	3,773	4,533	761,400					¹¹ 3.33
Total				335								1,521,200	1,369,000	167,000	⁸ 58,555	40,900	
Columbus	Ga. 4-1	10	Dec. 14, 1938	166	Slum	¹ 368	784	2,646	617	3,263	4,415	857,000					¹² 3.00
Do	Ga. 4-2			284	do	¹ 180	603	2,510	615	3,125	3,908	1,210,000					¹² 2.50
Total				450								2,067,000	1,860,000	228,000	⁸ 79,555	43,641	

Savannah:																		
Contract No. 1	Ga. 2-1	6	Oct. 21, 1938	164	10 percent slum.	1 615	837	2,881	594	3,475	4,927	808,000	727,000	89,000	\$31,080	24,244	11 3.50	
Contract No. 2	Ga. 2-2	10	Dec. 14, 1938	501	Slum.	2 344	596	2,401	622	3,023	3,963	2,284,000	2,055,000	252,000	\$87,920	67,093	12 3.00	
Hawaii (1)				220								1,125,000	1,012,000	124,000	43,295	21,702		
Honolulu	T. H. 1-1	6	Oct. 21, 1938	220	Vacant	1 756	794	2,893	671	3,564	5,114	1,125,000	1,012,000	124,000	\$43,295	21,702	11 3.50	
Illinois (2)				2,248								12,481,100	11,233,000	1,372,000	488,313	371,311		
Chicago	Ill. 2-1	6	Oct. 21, 1938	1,708	Slum	1 602	757	3,821	463	4,284	5,643	9,638,000	8,674,000	1,060,000	\$371,035	339,904	11 4.50	
Peoria	Ill. 3-1	4	July 16, 1938	540	do	1 910	580	3,330	445	3,775	5,265	2,843,100	2,559,000	312,000	\$117,278	31,407	11 4.25	
Indiana (5)				846								3,779,000	3,399,000	417,000	145,390	87,069		
Anderson	Ind. 6-1	6	Oct. 21, 1938	203	Slum	1 651	662	3,076	429	3,505	4,818	978,000	880,000	107,000	\$37,625	20,814	11 3.50	
Delaware County	Ind. 4-1	7	Nov. 3, 1938	111	Vacant	1 231	805	2,828	415	3,243	4,279	475,000	427,000	53,000	\$18,270	5,356	11 3.25	
Kokomo	Ind. 7-1	5	Sept. 7, 1938	175	do	1 175	571	2,815	468	3,283	4,029	705,000	634,000	78,000	\$27,125	14,967	11 3.00	
Muncie	Ind. 5-1	7	Nov. 3, 1938	274	Slum	1 664	751	2,772	441	3,213	4,628	1,268,000	1,141,000	139,000	\$48,790	34,432	11 3.25	
Vincennes	Ind. 2-1	5	Sept. 7, 1938	83	Vacant	1 136	743	3,078	296	3,374	4,253	353,000	317,000	40,000	\$13,530	11,500	11 2.75	
Kentucky (6)				2,330								12,926,000	11,632,000	1,423,025	510,388	274,466		
Covington	Ky. 2-1	5	Sept. 7, 1938	263	Vacant	1 304	899	3,038	451	3,489	4,692	1,234,000					11 3.75	
Do	Ky. 2-2			168	Slum	1 1,441	440	3,194	467	3,661	5,542	931,000						11 3.75
Total				431								2,165,000	1,947,000	240,000	\$83,335	40,452		
Frankfort	Ky. 3-1	10	Dec. 14, 1938	91	Vacant	1 163	845	2,676	569	3,245	4,253	387,000	348,000	43,000	\$14,875	6,269	12 2.75	
Lexington	Ky. 4-2	10	do	206	40 percent slum.	1 169	811	3,012	571	3,583	4,563	990,000	891,000	109,000	\$38,115	27,443	12 3.25	
Louisville (contract No. 1)	Ky. 1-1	2	Apr. 19, 1938	814	Slum	1 1,525	637	(12)	(12)	3,656	5,818	4,734,000	4,261,000	520,150	\$182,250	89,000	11 4.00	
Louisville (contract No. 2)	Ky. 1-2	4	July 16, 1938	788	do	1 1,602	644	3,272	384	3,656	5,902	4,650,000	4,185,000	510,875	\$191,813	111,302	11 3.75	
Louisiana (6)				4,606								28,125,700	25,311,000	3,097,000	1,082,795	835,211		
New Orleans:																		
Contract No. 1	La. 1-1			741	Slum	1 1,518	913	(12)	(12)	4,109	6,540	4,845,700					11 4.10	
Do	La. 1-2			656	do	1 2,032	957	(12)	(12)	3,871	6,860	4,500,000					11 3.70	
Total				1,397								9,345,700	8,411,000	1,028,000	\$359,800	218,343		
Contract No. 2	La. 1-3			916	Slum	1 1,403	696	3,386	587	3,973	6,072	5,562,000					11 4.00	
Do	La. 1-5			903	do	1 1,031	966	3,357	584	3,941	5,938	5,362,000					11 3.50	
Total				1,819								10,924,000	9,830,000	1,204,000	\$420,560	406,483		
Contract No. 3	La. 1-7			644	3 percent slum.	1 542	1,112	3,365	658	4,023	5,677	3,686,000					12 3.25	
Do	La. 1-8			746	65 percent slum.	1 283	1,108	3,337	635	3,972	5,363	4,170,000					12 3.25	
Total				1,390								7,856,000	7,070,000	865,000	\$302,435	210,385		
Maryland (8)				4,244								24,523,400	22,069,000	2,701,000	944,112	662,049		
Annapolis	Md. 1-1	5	Sept. 7, 1938	100	25 percent slum.	1 1,210	590	3,096	424	3,520	5,320	532,000	478,000	60,000	\$20,475	10,960	11 4.00	
Baltimore	Md. 2-1	3	June 2, 1938	692	Slum	1 1,150	631	3,565	415	3,980	5,761	3,986,500					(13)	
Do	Md. 2-2			878	do	1 1,757	517	3,565	415	3,980	6,354	5,578,900					(13)	
Do	Md. 2-3			810	do	1 1,602	583	3,565	415	3,980	6,165	4,993,800					(13)	
Do	Md. 2-4			268	do	1 1,281	623	3,565	415	3,980	5,884	1,518,200					(13)	
Do	Md. 2-5			404	do	1 1,243	680	3,565	415	3,980	5,903	2,385,000					(13)	
Do	Md. 2-6	5	Sept. 7, 1938	600	Vacant	1 110	804	3,313	658	3,971	4,885	2,931,000					11 4.00	
Do	Md. 2-7			502	do	1 333	871	3,311	660	3,971	5,175	2,598,000					11 4.00	
Total				4,144								23,991,400	21,591,000	2,641,000	\$923,637	651,089	114.00	
Massachusetts (6)				3,610								21,745,000	19,567,000	2,397,000	837,095	946,595		
Boston	Mass. 2-1	7	Nov. 3, 1938	1,017	Slum	1 \$1,422	\$574	\$3,610	\$504	\$4,114	\$6,110	6,214,000					11 4.25	
Do	Mass. 2-2			672	do	1 1,194	644	3,709	536	4,245	6,083	4,088,000					11 4.25	
Do	Mass. 2-3			1,092	do	1 1,161	646	3,613	508	4,121	5,928	6,473,000					11 4.25	
Do	Mass. 2-4			342	do	1 1,231	654	3,502	555	4,057	5,942	2,032,000					11 4.00	
Total				3,123								18,807,000	16,924,000	2,072,000	\$724,010	829,904		
Cambridge	Mass. 3-1	10	Dec. 14, 1938	328	Slum	1 627	641	3,305	691	3,996	5,264	2,017,000	1,815,000	222,000	\$77,630	87,881	12 4.00	
Holyoke	Mass. 5-1	10	do	159	do	1 389	829	3,344	637	3,981	5,199	921,000	828,000	103,000	\$35,455	28,810	12 3.50	

See footnotes at end of table.

Department of the Interior, U. S. Housing Authority—Summary of Presidential lists, Nos. 1 to 10, inclusive—Continued

Location of project	Development No.	Presidential list No.	Date approved of by President	Number of new family dwellings	Slum or vacant site	Proposed cost per family dwelling					Proposed cost, entire project	Federal loan ⁶	Local capital participation ⁷	Federal annual contribution ⁸	Local annual contribution ⁹	Proposed shelter rent per room per month ¹¹	
						Land ¹²	Non-dwelling facilities ³	Dwelling facilities		Total							
								Net construction ⁴	Equipment, architects, and overhead ⁵								
Michigan (4)				3,193							\$18,404,511	\$16,564,000	\$2,025,000	\$715,624	\$453,143		
Detroit:																	
Contract No. 1	Mich. 1-1	3	June 2, 1938	248	Slum	1 710	590	4,177	373	4,550	1,450,818					(13)	
Do	Mich. 1-2			355	Vacant	1 412	959	4,081	365	4,446	5,817	2,064,948					(13)
Do	Mich. 1-4			2,150	do	1 176	1,122	4,069	365	4,434	5,732	12,325,234					(13)
Total				2,753							15,841,000	14,257,000	1,743,000	\$ 609,879	390,404	11 4.25	
Contract No. 2	Mich. 1-5	4	July 16, 1938	440	Vacant	1 310	1,070	3,951	495	4,446	2,563,511	2,307,000	282,000	\$ 105,745	62,739	11 4.50	
Nebraska (1)				522							2,492,000	2,243,000	274,000	102,795	70,805		
Omaha	Nebr. 1-1	4	July 16, 1938	522	75 percent slum.	1 560	714	3,100	400	3,500	2,492,000	2,243,000	274,000	\$ 102,795	70,805	11 4.00	
New Jersey (2)				2,834							15,764,000	14,185,000	1,738,000	606,795	660,958		
Asbury Park	N. J. 7-1	9	Dec. 7, 1938	126	Slum	1 472	523	3,200	586	3,786	750,000	675,000	83,000	\$ 28,875	22,568	13 4.00	
Elizabeth	N. J. 3-1	5	Sept. 7, 1938	423	20 percent slum.	1 572	888	2,339	506	3,845	2,244,000	2,019,000	245,000	\$ 86,880	38,553	11 4.75	
Newark	N. J. 2-1	6	Oct. 21, 1938	444	Vacant	1 1,239	799	3,261	365	3,626	2,515,000					11 5.00	
Do	N. J. 2-2	5	Sept. 7, 1938	240	20 percent slum.	1 1,173	563	3,485	379	3,864	1,344,000					11 5.00	
Do	N. J. 2-5			463	Slum	1 1,385	757	3,461	380	3,841	5,983	2,770,000					11 5.00
Do	N. J. 2-6			465	Vacant	1 631	1,004	3,334	371	3,705	5,340	2,483,000					11 5.00
Total				1,612							9,112,000	8,199,000	1,005,000	\$ 350,770	451,371	11 5.00	
North Bergen	N. J. 4-1	6	Oct. 21, 1938	170	Slum	1 1,014	902	3,190	535	3,725	959,000	863,000	105,000	\$ 36,890	52,799	11 5.00	
Trenton	N. J. 5-1	7	Nov. 3, 1938	123	do	1 814	703	3,048	720	3,768	650,000					11 4.50	
	N. J. 5-2			380	50 percent slum.	1 887	545	3,280	680	3,960	5,392	2,049,000					11 4.75
Total				503							2,699,000	2,429,000	297,000	\$ 103,880	95,667		
New York (2)				9,744							60,691,351	54,620,000	6,678,298	2,336,615	1,681,210		
Buffalo:																	
Contract No. 1	N. Y. 2-1	3	June 2, 1938	696	25 percent slum.	1 958	667	3,706	485	4,191	4,047,651	3,643,000	445,298	\$ 155,835	140,619	11 3.75	
Contract No. 2	N. Y. 2-2	5	Sept. 7, 1938	172	Slum	1 1,020	433	3,309	546	3,855	913,000	821,000	101,000	\$ 35,140	28,781	11 4.00	
Contract No. 3	N. Y. 2-3	7	Nov. 3, 1938	771	do	1 954	424	3,605	725	4,330	4,401,000	3,960,000	485,000	\$ 169,435	140,915	11 4.00	
New York:																	
Contract No. 1	N. Y. 5-1	2	Apr. 19, 1938	2,643	53 percent slum.	1 795	841	(13)	(13)	4,642	16,592,800					11 5.18	
Do	N. Y. 5-2			2,551	8 percent slum.	1 1,074	878	(13)	(13)	4,610	6,562	16,740,200					11 5.12
Total				5,194							33,333,000	30,000,000	3,666,000	\$ 1,283,310	810,000		
Contract No. 2	N. Y. 5-3	10	Dec. 14, 1938	1,476	Slum	1 965	492	3,396	623	4,019	9,323,000	8,390,000	1,026,000	\$ 358,925	282,418	13 5.00	
Syracuse	N. Y. 1-1	1	Mar. 17, 1938	678	do	1 1,938	703	(13)	(13)	3,800	4,366,700	3,930,000	481,000	\$ 168,175	114,269	11 4.17	
Utica	N. Y. 6-1	5	Sept. 7, 1938	212	Vacant	1 150	877	3,224	466	3,690	1,000,000	900,000	110,000	\$ 38,600	33,478	11 4.25	
Yonkers	N. Y. 3-1	5	do	545	Slum	1 1,430	638	3,512	488	4,000	3,307,000	2,976,000	364,000	\$ 127,295	130,730	11 4.50	
North Carolina (2)				252							1,285,000	1,155,000	143,000	49,455	31,075		
Wilmington	N. C. 1-1	7	Nov. 3, 1938	116	25 percent slum.	1 469	737	3,001	724	3,725	572,000					11 3.50	
Do	N. C. 1-2			136	70 percent slum.	1 955	646	2,945	697	3,642	5,243	713,000					11 3.00
Total				252							1,285,000	1,155,000	143,000	\$ 49,455	31,075		

Ohio (12)				5,890								30,651,330	27,584,000	3,375,500	1,193,081	558,727	
Cincinnati	Ohio 4-1	5	Sept. 7, 1938	750	Vacant	1 399	1,134	3,407	393	3,800	5,333	4,000,000					11 4.50
Do.	Ohio 4-2			750	do.	1 138	1,250	3,407	393	3,800	5,188	3,891,000					11 4.50
Total				1,500								7,891,000	7,101,000	869,000	* 303,800	151,241	
Cleveland	Ohio 3-1	3	June 2, 1938	554	75 percent slum.	1 1,161	704	3,655	437	4,092	5,957	3,300,000					(15)
Do.	Ohio 3-2			627	Slum.	1 1,260	446	3,646	437	4,083	5,789	3,630,000					(15)
Do.	Ohio 3-4			623	Vacant	1 265	762	3,729	445	4,174	5,201	3,240,000					(15)
Total				1,804								10,170,000	9,153,000	1,119,000	* 391,545	237,444	11 4.25
Columbus	Ohio 1-1	3	June 2, 1938	456	Slum.	1 892	593	2,761	353	3,114	4,599	2,097,330	1,888,000	230,000	* 80,747	30,315	11 4.25
Dayton	Ohio 5-1	4	July 16, 1938	400	Vacant	1 272	920	3,235	413	3,648	4,840	1,936,000					11 4.25
Do.	Ohio 5-2			200	do.	1 248	1,005	3,216	431	3,647	4,900	980,000					11 4.00
Total				600								2,916,000	2,624,000	322,000	* 120,285	40,544	
Toledo	Ohio 6-1	4	July 16, 1938	380	Vacant	1 303	905	3,185	415	3,600	4,808	1,827,000	1,644,000	202,000	* 75,364	28,638	11 4.50
Warren	Ohio 8-1	10	Dec. 14, 1938	224	do.	1 113	999	3,090	743	3,803	4,915	1,101,000	990,000	122,000	* 42,385	15,598	11 4.00
Youngstown	Ohio 2-1	1	Mar. 17, 1938	600	33 percent slum.	1 617	769	(15)	(15)	3,864	5,250	3,150,000	2,835,000	346,500	* 121,275	39,917	11 4.26
Zanesville	Ohio 9-1	9	Dec. 7, 1938	326	30 percent slum.	1 109	795	2,908	570	3,478	4,882	1,499,000	1,349,000	165,000	* 57,680	15,030	11 3.75
Pennsylvania (9)				7,113								41,046,511	36,939,000	4,518,233	1,626,434	619,727	
Allentown	Pa. 4-1	3	June 2, 1938	322	Vacant	1 172	1,133	3,258	428	3,686	4,991	1,607,000	1,446,000	177,000	* 61,870	20,110	11 3.75
Chester	Pa. 7-1	5	Sept. 7, 1938	396	50 percent slum.	1 787	955	3,282	443	3,725	5,467	2,165,000	1,948,000	239,000	* 83,335	56,929	11 4.00
Philadelphia	Pa. 2-1	4	July 16, 1938	620	10 percent slum.	1 593	943	3,465	449	3,914	5,450	3,378,700					11 4.50
Do.	Pa. 2-2			1,000	Vacant	1 259	975	3,591	459	4,050	5,284	5,283,800					11 4.50
Do.	Pa. 2-3			1,361	Slum.	1 1,412	671	3,450	445	3,895	5,978	8,136,011					
Total				2,981								16,798,511	15,118,000	1,848,833	* 692,938	251,731	
Pittsburgh:																	
Contract No. 1	Pa. 1-1	3	June 2, 1938	825	30 percent slum.	1 541	1,451	3,598	402	4,000	5,992	4,943,000					(15)
Do.	Pa. 1-2			431	40 percent slum.	1 834	1,194	3,491	404	3,895	5,923	2,853,000					(15)
Total				1,256								7,496,000	6,746,000	824,400	* 288,596	98,620	11 4.25
Contract No. 2	Pa. 1-3	6	Oct. 21, 1938	1,758	Slum.	1 708	1,655	3,468	412	3,880	6,243	10,975,000	9,877,000	1,208,000	* 422,520	130,101	11 4.50
Reading	Pa. 9-1	10	Dec. 14, 1938	400	Vacant	1 155	1,032	3,119	707	3,826	5,013	2,005,000	1,804,000	221,000	* 77,175	62,236	11 4.00
South Carolina (6)				906								4,628,900	4,164,000	511,000	178,146	102,693	
Charleston:																	
Contract No. 1	S. C. 1-1	1	Mar. 17, 1938	126	Slum.	1 1,375	819	(15)	(15)	3,366	5,560	700,400					11 4.08
Do.	S. C. 1-2			90	Vacant	1 261	909	(15)	(15)	3,600	4,770	429,500					11 3.94
Total				216								1,129,900	1,017,000	125,000	* 43,501	20,800	
Contract No. 2	S. C. 1-3	10	Dec. 14, 1938	162	Slum.	1 344	721	2,595	471	3,066	4,131	774,000					11 3.00
Do.	S. C. 1-4			128	do.	1 455	577	2,505	466	2,971	4,003	667,000					11 3.00
Total				290								1,441,000	1,296,000	159,000	* 55,440	29,719	
Columbia	S. C. 2-1	6	Oct. 21, 1938	200	Slum.	1 604	879	3,191	556	3,747	5,230	1,046,000					11 3.75
Do.	S. C. 2-2			200	do.	1 678	857	2,977	548	3,625	5,060	1,012,000					11 3.50
Total				400								2,058,000	1,851,000	227,000	* 79,205	52,174	
Tennessee (5)				2,238								11,453,771	10,307,000	1,262,800	448,578	270,727	
Chattanooga	Tenn. 4-1	6	Oct. 21, 1938	496	Slum.	1 970	685	2,907	507	3,414	5,069	2,514,000	2,262,000	277,000	* 96,775	44,277	11 3.50
Knoxville	Tenn. 3-1	4	July 16, 1938	244	Vacant	1 88	1,384	2,991	509	3,500	4,972	1,213,295					11 3.75
Do.	Tenn. 3-2			320	Slum.	1 532	869	2,991	509	3,500	4,901	1,568,476					11 3.50
Total				564								2,781,771	2,504,000	306,800	* 114,748	106,263	
Memphis	Tenn. 1-1	7	Nov. 3, 1938	478	Slum.	1 985	752	2,819	620	3,439	5,176	2,474,000					11 3.50
Do.	Tenn. 1-2			700	do.	1 980	914	2,750	619	3,369	5,263	3,684,000					11 3.25
Total				1,178								6,158,000	\$5,541,000	\$679,000	* \$237,055	\$120,187	
Texas (13)				3,306								13,171,138	11,851,000	1,448,500	524,118	349,811	
Austin	Tex. 1-1	1	Mar. 17, 1938	86	Slum.	1 672	610	(15)	(15)	2,750	4,032	346,719					11 2.84
Do.	Tex. 1-2			60	Vacant	1 308	1,103	(15)	(15)	2,351	3,762	225,710					11 2.66
Do.	Tex. 1-3			40	do.	1 256	881	(15)	(15)	2,414	3,551	142,043					11 2.70
Total				186								714,472	643,000	78,500	* 27,507	9,984	

See footnotes at end of table.

Department of the Interior, U. S. Housing Authority—Summary of Presidential lists, Nos. 1 to 10, inclusive—Continued

Location of project	Development No.	Presidential list No.	Date approved by President	Number of new family dwellings	Slum or vacant site	Proposed cost per family dwelling						Proposed cost, entire project	Federal loan ⁶	Local capital participation ⁷	Federal annual contribution ⁸	Local annual contribution ¹⁰	Proposed shelter rent per room per month ¹¹
						Land ¹	Non-dwelling facilities ²	Dwelling facilities			Total						
								Net construction ⁴	Equipment, architects, and overhead ⁵	Total							
Texas—Continued.																	
Brownsville.....	Tex. 7-1.....	6	Oct. 21, 1938	148	Slum.....	¹ \$419	\$784	\$2,437	\$374	\$2,811	\$4,014	\$594,000	\$534,000	\$66,000	⁸ \$22,855	\$24,006	¹¹ \$2.00
Corpus Christi.....	Tex. 8-1.....	5	Sept. 7, 1938	85	33-percent slum.....	¹ 370	678	2,376	258	2,634	3,682	313,000					¹¹ 3.25
Do.....	Tex. 8-2.....			112	Slum.....	¹ 273	833	2,415	265	2,680	3,788	424,000					¹¹ 3.00
Do.....	Tex. 8-3.....			45	do.....	¹ 1,075	856	2,360	265	2,625	4,556	205,000					¹¹ 3.00
Total.....				242								942,000	846,000	105,000	⁸ 36,225	30,222	
El Paso.....	Tex. 3-1.....	5	Sept. 7, 1938	318	Slum.....	¹ 902	457	2,552	319	2,871	4,230	1,345,000	1,210,000	148,000	⁸ 51,765	50,210	¹¹ 2.75
Fort Worth.....	Tex. 4-1.....	4	July 16, 1938	252	do.....	¹ 665	841	2,959	341	3,300	4,806	1,211,199					¹¹ 3.00
Do.....	Tex. 4-2.....			250	do.....	¹ 439	729	2,682	318	3,000	4,168	1,042,087					¹¹ 2.75
Total.....				502								2,253,286	2,028,000	247,000	⁸ 92,948	68,311	
Houston.....	Tex. 5-1.....	9	Dec. 7, 1938	332	20-percent slum.....	¹ 280	894	2,735	642	3,377	4,551	1,558,000					¹¹ 2.75
Do.....	Tex. 5-2.....			328	Slum.....	¹ 514	789	2,723	613	3,336	4,639	1,778,000					¹¹ 2.75
Total.....				660								3,336,000	3,002,000	366,000	⁸ 128,380	80,255	
San Antonio.....	Tex. 6-1.....	4	July 16, 1938	1,250	Slum.....	¹ 509	290	2,200	190	2,390	3,189	3,986,380	3,588,000	438,000	⁸ 164,438	86,823	¹¹ 2.00
Vermont (1).....				101								485,000	436,000	54,000	18,655	12,792	
Burlington.....	Vt. 1-1.....	9	Dec. 7, 1938	101	Vacant.....	¹ 133	808	3,198	663	3,861	4,802	485,000	436,000	54,000	⁸ 18,655	12,792	¹¹ 3.75
West Virginia (6).....				1,156								5,499,500	4,948,000	607,000	218,330	81,594	
Charleston.....	W. Va. 1-1.....	4	July 16, 1938	366	Slum.....	¹ 754	484	3,200	400	3,600	4,838	1,771,252					¹¹ 4.00
Do.....	W. Va. 1-2.....			138	Vacant.....	¹ 480	597	3,200	400	3,600	4,677	645,248					¹¹ 4.00
Total.....				504								2,416,500	2,175,000	266,000	⁸ 99,680	31,126	
Huntington.....	W. Va. 4-1.....	5	Sept. 7, 1938	80	Slum.....	¹ 890	677	3,215	481	3,696	5,263	421,000					¹¹ 3.50
Do.....	W. Va. 4-2.....			136	do.....	¹ 386	580	3,160	470	3,630	4,596	625,000					¹¹ 3.50
Do.....	W. Va. 4-3.....			284	Vacant.....	¹ 120	860	3,100	462	3,562	4,542	1,290,000					¹¹ 3.50
Total.....				500								2,336,000	2,101,000	259,000	⁸ 89,915	38,535	
Parkersburg.....	W. Va. 5-1.....	6	Oct. 21, 1938	152	Vacant.....	¹ 436	759	3,114	605	3,719	4,914	747,000	672,000	82,000	⁸ 28,735	11,933	¹¹ 3.75
Grand total.....				64,451	(14)	(14)	(14)	(14)	(14)	(14)	(14)	356,695,341	320,986,000	39,286,466	13,864,364	9,141,507	

¹ Includes cost of land to be purchased, value of land to be donated, expenses of acquiring land, demolition and clearing, and the local authority's administrative and carrying charges applicable to these items.

² Includes cost of land to be purchased (excluding cost of existing structures), value of land to be donated, expenses of acquiring land, and the local authority's administrative and carrying charges applicable to these items.

³ Includes construction cost of site improvements and nondwelling buildings, spaces and equipment; pre-occupancy charges, and the local authority's administrative, carrying, and architectural charges applicable to these items.

⁴ Includes construction cost of dwellings. (This is comparable to and comprises the same items as residential construction costs compiled by Bureau of Labor Statistics, and comprises the same items as building permit statistics.)

⁵ Includes dwelling equipment (such as ranges, refrigerators, screens, etc.), and the local authority's overhead, carrying, and architectural charges applicable to dwelling construction and equipment.

⁶ Federal loans are provided in contracts at 90 percent of proposed cost. These amounts, as shown above, may later, at the option of the U. S. Housing Authority, be increased by one-tenth in the form of supplemental loans in case of possible overruns. In no event may Federal loans exceed 90 percent of actual cost.

⁷ Local capital participation is provided in contracts to include 10 percent of both the proposed cost and the margin of safety of one-tenth for possible overruns. Because of the inclusion of local margin of safety, the total of the amounts shown as "Federal loan" and as "Local capital participation" exceeds "Proposed cost entire project" by 1 percent.

⁸ Federal annual contributions are provided in contracts of 3½ percent of proposed cost plus margin of safety one-tenth for possible overruns. In no event may Federal Annual contributions exceed 3½ percent of actual cost.

⁹ Federal annual contributions are provided in contracts at 3¼ percent of proposed cost plus margin of safety of one-tenth for possible overruns. In no event may Federal annual contributions exceed 3¼ percent of actual cost.

¹⁰ Local annual contributions are maximum amounts computed on the proposed development cost plus the margin of safety of one-tenth for possible overruns. Local annual contributions are required by law to be at least 20 percent of Federal annual contributions. In all cases, the local annual contributions provided in contracts are much in excess of this minimum, averaging 65 percent in the above projects. Local annual contributions represent the value of exemptions from local taxes less payments in lieu of taxes, if any.

¹¹ Shelter rent per room per month includes water. Additional charge will be made for heat, gas, and electricity when furnished by project.

¹² Shelter rent per room per month includes no utility services. Additional charge will be made for water, heat, gas, and electricity when furnished by project.

¹³ Amounts not yet available.

¹⁴ 85 loan contracts; 140 developments; 73 cities and 2 counties in 22 States, the District of Columbia, and Hawaii.

Prepared in Budgets and Statistical Section, Division of Finance and Accounts.

Mr. CLARK of Missouri. Mr. President—

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

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. The meeting of the Senate today followed an adjournment. Unanimous consent was given the Senator from Maryland [Mr. TYDINGS] to discuss a matter of great importance. He has now concluded his discussion. We are in the morning hour. Routine morning business is now pending. I ask for the regular order.

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

Mr. McNARY. I yield.

Mr. WAGNER. I have asked the Senator to yield to permit me to make a statement. Of course, I would not want to have the Senate or the country think that the statement made by the distinguished Senator from Maryland is to go unchallenged. We heard a great deal of the argument presented by the Senator when the bill was originally under consideration. After discussion, the bill was passed by a vote of 64 in favor, to 12, I think, against.

Mr. President, personally I do not think any program has received such widespread public approval as the Slum Clearance Act and the activities under it. Thirty-eight States are now taking advantage of the cooperative system by which the Federal Government makes loans and provides a subsidy, without which these low-income families could never be rehoused. Without the subsidy the slums would continue to exist, with all the attendant misery and the hardships, and would constitute a breeding place for disease and crime.

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

Mr. WAGNER. I yield.

Mr. FRAZIER. How many States did the Senator say took advantage of the Housing Act?

Mr. WAGNER. Thirty-eight.

Mr. FRAZIER. Twenty States are shown as taking advantage of it, on the list the Senator from Maryland introduced.

Mr. TYDINGS. I think 22 States.

Mr. WAGNER. I am not certain about that figure. The reason I wish to defer any further statement with reference to the matter is because I desire to examine the figures which have been presented by the Senator from Maryland, and at a very early date I hope I may be able to answer the Senator, or agree with him, if I find that the information he received is accurate.

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

Mr. WAGNER. I yield.

Mr. TYDINGS. If the Senator finds that the rent subsidies over 60 years are going to be more than two and a half times the original cost of the buildings, if the Senator finds that the average cost per family unit is \$5,520, which is more than the average cost of the family home in America; in other words, if the Senator finds that my statements are accurate, will he join or will he take the lead in revamping the act so that these large expenditures may be reduced?

Mr. WAGNER. As to what amendments I may suggest, I would rather leave that until I have had a chance to examine the figures. Let me say that the amount of the subsidy is not the most important thing to me. The important thing is the social benefit and the economic benefit which we are bringing about by clearing the slums.

Mr. TYDINGS. The Senator should be fair there. I understand—

Mr. McNARY. Mr. President, I do not wish to be discourteous.

Mr. WAGNER. The Senator has been generous, and I do not wish to indulge upon his generosity any further at this time.

Mr. McNARY. The hour of 2 o'clock is approaching, and the Senate should proceed to the business of the morning hour.

Mr. WAGNER. Mr. President, will the Senator permit one further statement?

Mr. McNARY. I yield.

Mr. WAGNER. The Senator from Maryland said some of these houses were built for the low-income group without

any slum clearance. If that is so, it has been done in violation of the law, because the law specifically provides that for every unit constructed to house the slum dweller a unit of slum property must be demolished. That provision is in the law and it is absolutely mandatory. It happens sometimes that the house is not built upon the site of the slum, but the slum must be cleared, and the number of units built must not exceed the units of slum dwellings which are cleared.

Mr. TYDINGS. Mr. President, will the Senator from New York yield?

Mr. McNARY. Mr. President, I have the floor.

Mr. TYDINGS. The Senator has been more than courteous. I shall not trespass further.

Mr. WAGNER. Mr. President, I thank the Senator from Oregon for yielding to me so that I could make the statement I have made.

Mr. McNARY. We are approaching the hour of 2 o'clock. I call for the regular order.

The PRESIDING OFFICER. The regular order is called for.

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

Mr. McNARY. Mr. President, will the Senator withhold that suggestion for a moment?

Mr. KING. Yes.

Mr. REYNOLDS. Mr. President, I introduce a private bill, and wish to make a brief statement in connection therewith.

Mr. CLARK of Missouri. Mr. President, in view of the impending expiration of the morning hour, I shall object. I do not think any extended remarks ought to be made in connection with the introduction of bills. We have only 2 hours in which to transact morning business. The 2-hour period has almost expired. I do not wish to be discourteous to the Senator from North Carolina.

Mr. REYNOLDS. It will take me just a moment to make my statement. I hope the Senator from Missouri will not object.

Mr. CLARK of Missouri. Mr. President, we ought to proceed with the regular order. There will be ample opportunity during the remainder of the session for the Senator from North Carolina to introduce the bill and make an explanation of it.

Mr. McNARY. Mr. President, let me suggest that the Senator withhold the introduction of his bill until morning business shall have been completed, at which time he will have an opportunity to introduce his bill and make an explanation thereof.

Mr. REYNOLDS. Very well.

ADDITIONAL PETITIONS AND MEMORIALS

The PRESIDING OFFICER. The presentation of petitions and memorials is in order.

Mr. CAPPER presented the memorial of Rev. Paul E. Johnson, pastor, and members of the First Baptist Church of Junction City, Kans., remonstrating against inclusion of religious bodies under the operation of the social-security system, which was referred to the Committee on Finance.

He also presented petitions, numerous signed, of sundry citizens of Topeka and vicinity, in the State of Kansas, praying that the United States adhere to a general policy of neutrality, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Ottawa, Kans., praying for the adoption of a policy of nonparticipation in aggression and discontinuance of the shipment of war supplies to Japan for use in operations in China, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Walnut, Kans., praying that the United States adhere to the general policy of neutrality as enunciated in existing law and extend the law to include civil as well as international conflicts, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

Mr. CLARK of Missouri, from the Committee on Inter-oceanic Canals, to which were referred the following bill

and joint resolution, reported them each without amendment and submitted reports thereon:

S. 1215. A bill to amend the Canal Zone Code (Rept. No. 145); and

S. J. Res. 70. Joint resolution providing for the participation of the United States in the celebration of the twenty-fifth anniversary of the opening of the Panama Canal (Rept. No. 146).

Mr. SMITH, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1098) to amend section 12 of the Soil Conservation and Domestic Allotment Act, as amended, by authorizing advances for crop insurance, reported it without amendment and submitted a report (No. 147) thereon.

Mr. PITTMAN, from the Committee on Foreign Relations, to which was referred the bill (H. R. 950) to exempt all vessels of the United States of less than 200 tons gross registered tonnage from the provisions of the Officers' Competency Certificates Convention, 1936 (being International Labor Conference Treaty, Convention No. 53, adopted by the International Labor Conference at Geneva in 1936), reported it without amendment and submitted a report (No. 148) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. BILBO:

S. 1724. A bill for the relief of J. C. Watts; to the Committee on Interstate Commerce.

S. 1725. A bill relating to the acquisition of the site for the post-office building to be constructed in Poplarville, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. McKELLAR:

S. 1726. A bill to provide time credits for substitutes in the pneumatic-tube service;

S. 1727. A bill limiting working hours of pneumatic-tube-system employees to 8 in 10 hours a day;

S. 1728. A bill to provide a differential in pay for night work by pneumatic-tube-system employees in the Postal Service; and

S. 1729. A bill to extend the provisions of the 40-hour law to pneumatic-tube-system employees in the Postal Service; to the Committee on Post Offices and Post Roads.

By Mr. TOWNSEND:

S. 1730. A bill to amend the civil-service law to permit certain employees of the legislative branch of the Government to be transferred to positions under the competitive classified civil service; to the Committee on Civil Service.

By Mr. CAPPER:

S. 1731. A bill granting an increase of pension to Frances Coffman (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

S. 1732. A bill granting a pension to Luther R. Drum;

S. 1733. A bill granting an increase of pension to Eddie L. Fetty; and

S. 1734. A bill granting an increase of pension to Sarah Roush; to the Committee on Pensions.

S. 1735. A bill for the relief of Auguste C. Loiseau; and

S. 1736. A bill for the relief of the heirs of James H. Hardesty; to the Committee on Claims.

By Mr. TOBEY:

S. 1737. A bill granting a pension to Eliza Manzer; to the Committee on Pensions.

By Mr. HILL:

S. 1738. A bill authorizing the establishment and operation of a military aircraft engineering center to determine production costs of military aircraft, and for other purposes of national defense; to the Committee on Military Affairs.

(Mr. WAGNER introduced Senate bill 1739, which was referred to the Special Committee to Investigate Unemployment and Relief and appears under a separate heading.)

By Mr. SHEPPARD:

S. 1740. A bill to promote business and economic research in the United States by establishing and maintaining, in connection with State university schools of business administration,

research stations to cooperate with the Department of Commerce; to the Committee on Commerce.

S. 1741. A bill to exempt fraternal beneficiary societies from the tax on employers under the Social Security Act; to the Committee on Finance.

By Mr. LOGAN:

S. 1742. A bill for the relief of Isaac Rosenbaum & Sons, Inc., of Louisville, Ky.; to the Committee on Claims.

(Mr. LOGAN also introduced Senate bill 1743, which was referred to the Committee on Banking and Currency, and appears under a separate heading.)

(Mr. REYNOLDS introduced Senate bill 1744, which was referred to the Committee on Claims, and appears under a separate heading.)

(Mr. LEWIS introduced Senate bill 1745, which was referred to the Committee on Foreign Relations, and appears under a separate heading.)

By Mr. NEELY:

S. 1746. A bill granting a pension to Unoca Ferguson; to the Committee on Pensions.

(Mr. SHEPPARD introduced Senate Joint Resolution 88, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

PLANNED PROGRAM OF PUBLIC WORKS—FEDERAL EMPLOYMENT STABILIZATION BOARD

Mr. WAGNER. Mr. President, I introduce a bill which really proposes the reenactment of a law which I sponsored in 1931, which was passed by the Congress and signed by President Hoover. It provided for the planning of public works 6 years in advance, so that the Government would have a planned program under which public construction could be accelerated when a depression was approaching and when economic conditions showed the likelihood of the coming of unemployment, and then public-works construction could be retarded as conditions improved, so that our public-works program might fit in with our general program for an economic balance.

I ask that the bill be printed in the RECORD together with a statement and referred to the Special Committee to Investigate Unemployment and Relief because that matter is now under consideration by that committee. I hope the committee will give it serious and favorable consideration.

The VICE PRESIDENT. The bill introduced by the Senator from New York will be received and referred as indicated by him, and, without objection, printed in the RECORD with the statement referred to.

The bill (S. 1739) to provide for the advance planning and regulated construction of public works, to promote the sound investment of public funds, to diminish unemployment during periods of business depression, to conserve national resources, to create a Federal Employment Stabilization Board, and for other purposes, was read twice by its title, and referred to the Special Committee to Investigate Unemployment and Relief, as follows:

Be it enacted, etc., That this act may be cited as the "Employment Stabilization Act of 1939."

FEDERAL EMPLOYMENT STABILIZATION BOARD

Sec. 2. (a) There is hereby established a board to be known as the Federal Employment Stabilization Board, composed of the Secretary of the Treasury, the Secretary of Commerce, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of War, the Secretary of Labor, and three other members from widely separated sections of the United States, to be appointed by the President by and with the advice and consent of the Senate. The Secretary of the Interior shall serve as chairman of the Board. The appointive members of the Board shall be compensated at the rate of \$50 per day for time spent in attending and traveling to and from Board meetings, or in otherwise exercising the functions of the Board, plus actual expenses incurred in such travel: *Provided*, That in no case shall such a member be entitled to receive compensation for more than 30 days' services in any 2 consecutive months.

(b) The Board is authorized to appoint, in accordance with the civil-service laws, a director and such experts and clerical and other assistants, and to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for law books, books of reference, and periodicals) as may be necessary for the administration of this act, and as may be provided for by Congress from time to time. The compensation of the director and such experts and clerical and other assistants shall be fixed in accordance with the Classification Act of 1923, as

amended. The director and his staff may be domiciled in and attached to one of the executive departments. There is hereby authorized to be appropriated annually such sum as may be necessary for the expenses of the Board.

ADVANCE PLANNING

SEC. 3. (a) It shall be the duty of the Board to consult and cooperate with the construction agencies of the United States, the planning and construction agencies of the various States and municipalities thereof, and with any other public or private planning or research agencies or institutions, in the preparation of advance plans of public construction.

(b) Each head of a department or independent establishment of the United States having jurisdiction over a construction agency shall direct such agency to prepare and present to the Board a 6-year advance plan with estimates showing projects allotted to each year. Each construction agency shall keep its 6-year plan up to date by an annual revision of the plans and estimates for the unexpired years and by annually extending the plan and estimates for an additional year.

(c) The Board shall report to the President at least quarterly, and at such other times as it believes necessary, concerning the trend of employment and business activity and the existence or approach of periods of business depression and unemployment in the United States or in any substantial area thereof. In addition to such interim reports, the Board shall submit a progress report to the President and to Congress at least once each year.

ACCELERATION OF EMERGENCY CONSTRUCTION

SEC. 4. In order to promote the sound investment of public funds, to diminish unemployment, and stabilize productive enterprise during periods of economic depression, and to foster speedy, efficient, and economical construction during such periods, the President may direct the construction agencies of the United States to accelerate during such periods, to such extent as may be practicable, the commencement or completion of all planned construction within their control.

NATIONAL RESOURCES

SEC. 5. (a) The Board is authorized and directed to investigate, examine, study, analyze, assemble, coordinate, and at suitable intervals to review and revise basic information and materials appropriate to the formulation of plans or planning policies for the conservation, development, and utilization of the natural resources of the United States and the several States.

(b) Upon the organization of the Board, the National Resources Committee, created by Executive Order No. 7065, dated June 7, 1935, shall cease to exist and stand dissolved, and all functions, records, and property thereof shall be transferred to the Board, together with the unexpended balance of all funds made available for expenditure by the National Resources Committee, such funds to be used by the Board in the administration of this act. All existing obligations of the National Resources Committee shall be assumed by the Board. The personnel of the National Resources Committee shall be transferred to the Board without change in classification or compensation, but such transfer shall not be construed to give such personnel a permanent or civil-service status.

DEFINITIONS

SEC. 6. When used in this act—

(a) The term "Board" means the Federal Employment Stabilization Board established by section 2 of this act;

(b) The term "United States," when used in a geographical sense, includes the several States and Territories and the District of Columbia;

(c) The term "construction agencies" shall include all agencies of the United States engaged in public construction, or in making loans or grants of funds, or in furnishing materials, labor, or other assistance for public or private construction, and shall include the executive departments and such temporary and permanent independent establishments as may be designated by the President from time to time, including but not limited to the following: Civil Aeronautics Authority, Civilian Conservation Corps, District of Columbia, Electric Home and Farm Authority, Farm Security Administration, Federal Emergency Administration of Public Works, Federal Housing Administration, Reconstruction Finance Corporation, Rural Electrification Administration, Tennessee Valley Authority, United States Maritime Commission, Veterans' Administration, Works Progress Administration.

(d) The term "construction" shall include repairs and alterations and the manufacture of equipment and the purchase of such materials, supplies, and equipment as may be necessary or incidental thereto.

The statement presented by Mr. WAGNER is as follows:

STATEMENT RELATIVE TO THE BILL TO REESTABLISH THE FEDERAL EMPLOYMENT STABILIZATION BOARD

The bill I have just introduced would implement the permanent policies approved by Congress in the Employment Stabilization Act of 1931, which I sponsored, for the advance planning of public works on a 6-year basis. That early legislation, though still on the statute books, became virtually a dead letter with the abolition of the Federal Employment Stabilization Board in March 1934. The 6-year program which the Board had prepared, in the words of the 1936 report of the National Resources Committee, "proved enormously valuable in the quick development of Federal projects at the outset of the work of the Public Works Administration, but the organization of the board in the midst of the depression period had prevented full use and development of its possibilities."

By re-creating machinery for public-works planning, the proposed bill would promote the most economical expenditure of public funds in periods of business depression, for the purpose of diminishing unemployment and stabilizing productive enterprise.

The new Federal Employment Stabilization Board is established as a permanent Federal agency, composed of six Cabinet members and three other persons from widely separated parts of the country, appointed by the President with the advice and consent of the Senate. The Secretary of the Interior would serve as chairman of the board. Its director and staff are authorized to be domiciled in and attached to one of the executive departments; consequently the board's functions could be correlated with those of any permanent public-works department or agency which hereafter may be created.

The board is authorized to consult and cooperate in the preparation of advance plans of construction with agencies of the Federal Government, temporary and permanent, engaged in, or financing or otherwise aiding, construction activities throughout the country, as well as with the planning and construction agencies of the States and other public or private planning or research organizations. The heads of the various Federal departments or independent agencies having such construction functions are required to prepare and present to the board 6-year advance plans, and to keep the plans up to date by annual revisions. The board, in turn, is directed to keep in constant touch with the volume of private and public construction, the index of employment and other pertinent information, and to apprise the President, through frequent reports, of the trend of employment and business activity and the existence or approach of business depressions in various parts of the United States.

The board would act only in an advisory capacity; the bill does not appropriate or authorize the appropriation of any construction funds. However, upon the basis of information made available by the board, the Federal Government, with such additional and prompt congressional action as may be necessary, would be enabled to launch or accelerate an effective public-works program to take up the slack in private enterprise, with a minimum of delay and economic waste and with a maximum effectiveness in mitigating the downward sweep of the business cycle.

The board is also authorized to investigate and study basic information and material appropriate to the formulation of plans and planning policies for the conservation and development of the public resources of the United States and the several States. This function, together with that of advance planning of public works, would give permanence to the present operations of the National Resources Committee.

In recent times there has been a growing realization that unemployment is a more or less permanent problem, requiring the formulation of long-range policies and the creation of long-range administrative programs. The round-table discussion on "the effects of Government spending upon private enterprise," just published by Fortune magazine, disclosed support by thoughtful citizens in every field of national endeavor for a planned public-works program such as that here proposed. At this time, therefore, when the conviction which led me to sponsor this legislation in 1928 is widely held throughout the country, and when a permanent public-works program is under consideration, I believe it opportune to take steps toward reestablishing a national public-works planning agency.

CREDIT FACILITIES FOR SMALL BUSINESS

Mr. LOGAN. Mr. President, I introduce a bill to provide more adequate credit facilities for independent small business, and for other purposes. I ask to have printed, together with the bill, as a part of my remarks, a statement which I have prepared, also a summary of the bill which has been prepared by the sponsors of it, and also an article by Walter Lippmann entitled "Small Enterprise and Economic Independence Are the Bulwarks of Democracy." I ask unanimous consent to have this matter printed in the RECORD.

The VICE PRESIDENT. The bill introduced by the Senator from Kentucky will be received and appropriately referred and the bill and the papers referred to by him will, without objection, be printed in the RECORD.

The bill (S. 1743) to provide more adequate credit facilities for independent small business, to encourage the return of private capital to commercial investment channels, to discourage monopoly, and restore opportunity for the individual, was read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That as used in this act:

(1) The term "independent small business" means any lawful business which is independently and locally owned and controlled, or a majority of the stock of which is locally owned and controlled, and which is not engaged in production in more than one State and does not own, control, or operate distribution units in more than one State.

(2) The term "Board" means the Federal Investment Bank Board, created under authority of this act.

(3) The term "bank" means a Federal investment bank established by the Board under authority of this act.

(4) The term "district" shall mean a Federal investment bank district created under authority of this act.

(5) The term "directors" means the board of directors of a bank, appointed pursuant to the provisions of this act.

(6) The term "association" means a local investment association of independent small-business men, organized under the provisions of section 10 of this act and pursuant to rules and regulations prescribed by the Board.

(7) The term "corporation" means the Federal Investment Insurance Corporation created under authority of this act.

(8) The term "insured association" means a Federal Investment Association whose accounts are insured under this act.

(9) The term "insured member" means an individual, partnership, association, or corporation which holds an insured account.

(10) The term "insured account" means a share, certificate, or deposit account of a type approved by the Federal Investment Insurance Corporation which is held by an insured member in an insured association and which is insured under the provisions of this act.

(11) The term "default" means an adjudication or other official determination of a court of competent jurisdiction or other public authority pursuant to which a conservator, receiver, or other legal custodian is appointed for an insured association for the purpose of liquidation.

SEC. 2. For the purposes of this act there shall be a Board known as the Federal Investment Bank Board, which shall consist of three citizens of the United States appointed by the President with the advice and consent of the Senate. The President shall designate one of the members to serve for a term of 1 year, one for 2 years, and one for 3 years from the date of the enactment hereof, and thereafter the term of each member shall be 3 years from the date of the expiration of the term for which his predecessor was appointed. Not more than two members of the Board shall be members of the same political party, and all of the members of the Board shall be selected with due regard for the intent of Congress to establish an agency primarily for the benefit of independent small business: *Provided*, That the first vacancy on the Board constituted as hereinbefore provided shall be filled by the President from a list of three men recommended by the banks and the next vacancy shall be similarly filled upon the recommendation of a majority of the associations. Thereafter the Board shall consist of one member representing the banks, one the associations, and one selected by the President without regard to the foregoing, representing the public. Appropriate rules and regulations under which the recommendations herein provided for may be made shall be prescribed by the Board. Each member shall devote his entire time to the business of the Board. Before entering upon his duties each of the members shall take an oath faithfully to discharge the duties of his office. The President shall be authorized to remove any member of the Board and, as hereinbefore provided, to appoint his successor. Whenever a vacancy shall occur among the members of the Board the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of the member whose place he is selected to fill. Each of such members shall receive a salary at the rate of \$9,000 per annum. The President shall designate one of the members of the Board as chairman of the Board. The chairman shall be the chief executive officer of the Board, and in his absence or disability the duties of his office shall be performed by some one of the other members, to be designated as acting chairman by the chairman in such order as he may determine. The Board shall supervise the banks and the Federal Investment Insurance Corporation created by this act; shall perform the other duties specifically prescribed by this act; and shall have power to adopt, amend, and require the observance of such rules, regulations, and orders as shall be necessary from time to time for carrying out the purposes of the provisions of this act. The Board shall have power to suspend or remove any director, officer, employee, or agent of any bank or of the Corporation, the cause of such suspension or removal to be communicated in writing forthwith to such director, officer, employee, or agent.

SEC. 3. (a) There is hereby appropriated the sum of not in excess of \$200,000 for salaries, travel and subsistence expenses, rents, printing and binding, furniture and equipment, law books, books of reference, periodicals, newspapers, maps, contract stenographic reporting service, telephone and telegraph service, and all other necessary expense of the Board, together with expenses preliminary to the organization and establishment of the banks created hereunder, until the close of the fiscal year ending June 30, 1940.

(b) The Board shall have power to levy semiannually upon the banks, and they shall pay, on such equitable basis as the Board shall determine, an assessment sufficient in its judgment to provide for the payment of its estimated expenses for the half year succeeding the levying of each such assessment beginning with July 1, 1940: *Provided*, That the aggregate assessments for any one year shall not exceed \$300,000. All expenses of the Board incurred in carrying out the provisions of this act, as determined by it, beginning on the 1st of July 1940, shall be paid from the proceeds of such assessment, and if any deficiency shall occur in such fund at any time between such semiannual assessment, the Board shall have power, subject to the foregoing limitation upon the aggregate amount, to make an immediate assessment against the banks to cover such deficiency on the same basis as the original assessment. If any surplus shall remain from any assessment after the expiration of the semiannual period for which it is levied, such surplus may be deducted from the next following assessment.

SEC. 4. The Board shall have power to select, employ, and fix the compensation for such officers, employees, attorneys, and agents as shall be necessary for the performance of its duties under this act without regard to the provisions of other laws applicable to the employment or compensation of officers, employees, attorneys, and agents of the United States. No such officer, employee, attorney, or agent shall be paid compensation at a rate in excess of the rate provided in the case of members of the Board. The Board shall be entitled to free use of the United States mails for its official business in the same manner as the executive departments of the Government, and shall determine its necessary expenditures under this act and the manner in which they shall be incurred, allowed, and paid.

SEC. 5. The Board shall from time to time, at least twice annually, require examinations and reports of conditions of all banks in such form as the Board shall prescribe and shall furnish periodically statements based upon the reports of the banks to the Board. The Board shall annually make a full report of its operations to the Congress. For the purposes of this act, examiners appointed by the Board shall be subject to the same requirements, responsibilities, and penalties as are applicable to examiners under the National Banking Act and the Federal Reserve Act, and shall have, in the exercise of functions under this act, the same powers and privileges as are vested in such examiners by law.

SEC. 6. As soon as practicable after the enactment of this act, the Board shall divide the continental United States, Puerto Rico, the Virgin Islands, and the Territories of Alaska and Hawaii into not less than 12 districts. Such districts shall be apportioned with due regard to the convenience and due course of business to be served by the banks and may be identical with the existing districts of the Federal Reserve System. The districts thus created may be readjusted and new districts may from time to time be created by the Board, but not to exceed 20 in all. Such districts shall be known as Federal Investment Bank districts and may be designated by number. As soon as practicable after the enactment hereof, the Board shall establish, in each district, a Federal Investment Bank at such city as may be designated by the Board. The title of each bank shall include the name of the city at which it is established.

SEC. 7. (a) As soon as practicable after the enactment of this act, the Board, with the approval of the Secretary of the Treasury, shall determine the minimum capital of each bank, which shall be not less than \$5,000,000. The Board shall, as soon as practicable thereafter, open books in each district established hereunder for subscription by financial institutions and the public to the minimum capital stock of the bank of the district.

(b) The capital stock of each bank shall be divided into shares of a par value of \$100 each. The minimum capital stock shall be sold at par. Stock issued thereafter shall be at such price not less than par as may be fixed by the Board.

(c) Stock subscriptions other than by the United States shall be paid for in cash and shall be paid for at the time of application therefor.

(d) Thirty days after books have been opened for subscription by financial institutions, business associations, and the public to the minimum stock of each bank as provided in subsection (a) of this section 7, the Secretary of the Treasury shall, from time to time, when called upon by the Board, subscribe, on behalf of the United States, for all or such part of the minimum capital stock of each bank not subscribed by public subscription, as may be determined by the Board. Payments for stock subscriptions by the Secretary of the Treasury shall be subject to call in whole or in part by the Board, with the approval of the Secretary of the Treasury, at such time or times as may be deemed advisable.

(e) All capital stock of any bank shall share in dividend distributions without preference.

(f) The capital of each of the banks shall, upon recommendation of the Board, with the approval of the Secretary of the Treasury, be increased to an aggregate amount not in excess of \$10,000,000. Upon any such increase in the capital of a bank, the Board shall open books for subscription to such increased stock by financial institutions, business associations, and the public in the manner provided in subsection (a) of this section 7. The Secretary of the Treasury shall subscribe, on behalf of the United States, for such part of the increased capital stock of each bank as is not subscribed for by the public and others within 90 days after books have been opened for stock subscriptions as provided in this subsection (f) not in excess of the aggregate amount of \$10,000,000 for any one bank.

(g) The Reconstruction Finance Corporation Act, as amended, is further amended by adding at the end of section 2 thereof the following new paragraph:

"In order to enable the Secretary of the Treasury to make payments upon the stock of Federal Investment Banks subscribed for by him in accordance with the Federal Investment Bank Act, the sum of \$120,000,000, or so much thereof as may be necessary for such purpose, is hereby allocated and made available to the Secretary of the Treasury out of the capital and/or surplus and/or the proceeds of notes, debentures, bonds, and other obligations issued by the Corporation. For the purposes of this paragraph the Corporation shall issue such notes, bonds, debentures, and other obligations as may be necessary."

SEC. 8. (a) The management of each bank shall be vested in a board of five directors all of whom shall be citizens of the United States and bona fide residents of the district in which such bank is located. The directors shall be appointed by the Board and shall be chosen with due regard to the proper representation of

independent small business: *Provided*, That so long as the United States is a stockholder in a bank, one director of such bank shall be named by the Board upon the recommendation and shall serve with the approval of the Secretary of the Treasury: *Provided further*, That after the first 3 years from the date of enactment of this act, vacancies (other than that of the Treasury representative) on the board of any bank shall be filled, under rules and regulations to be prescribed by the Board, from persons recommended by the associations until each such board of directors shall consist of a majority representing such associations. The term of office of two of such directors shall be 1 year, two 2 years, and one 3 years from the date of the enactment of this act. Each of such directors in succession to the directors first appointed shall be appointed for a 3-year term. Whenever a vacancy shall occur among the directors the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of the director whose place he is selected to fill.

(b) The board shall designate one of the directors of each bank to be chairman, and one to be vice chairman, of the board of directors of such bank.

(c) Each bank may pay its directors reasonable compensation for the time required of them, and their necessary expenses, in the performance of their duties in accordance with the resolutions adopted by such directors, subject to the approval of the Board.

(d) Each bank shall be confined in operation, insofar as furnishing capital and credit to business is concerned, to the district in which it is located.

Sec. 9. (a) A primary function of the banks shall be to discount paper emanating from the associations. Any association shall be entitled to apply to the bank in its district for advances and each bank may make advances to member associations within its district up to 90 percent of the unpaid face value of the paper tendered by such associations for discount. Such advances shall be secured by the pledge or assignment to the bank of all of the underlying collateral or other security taken by the association as security for the loan or loans represented by such paper and in respect of which an application for an advance is made. Any association applying for an advance shall enter into a primary and unconditional obligation to pay off all advances, together with interest and any unpaid costs and expenses in connection therewith, according to the terms under which they were made. Subject to the foregoing, advances shall be made by the banks to solvent associations upon such terms, at such rate or rates of interest not to exceed — percent per annum, and under such rules and regulations as the Board may prescribe.

(b) With due regard to the sound credit standing of the bank, and under such rules and regulations as the Board may prescribe, each of such banks may make loans direct as provided for in section 11 of this act.

(c) Upon authorization by the Board, each of such banks may rediscount the discounted paper of any other Federal investment bank at rates of interest to be fixed by the Board.

Sec. 10. (a) In order to encourage the return of private capital to commercial investment channels, promote thrift, and provide additional locally administered credit facilities for independent small enterprise, the Board is authorized, under such rules and regulations as it may prescribe, to provide for the organization, incorporation, examination, operation, and regulation of local associations to be known as Federal Investment Associations, and to issue charters therefor, giving consideration to the general pattern and practices of the Federal Savings and Loan Associations organized under the Federal Home Loan Bank Act, as amended.

(b) Such associations shall raise their capital only in the form of payments on such shares as are authorized in their charter, which shares may be retired as is therein provided. No deposits shall be accepted and no certificates of indebtedness shall be issued except for such borrowed money as may be authorized by regulations of the Board.

(c) With due regard to the sound credit standing of the association, and when credit of the type applied for is not otherwise available through the usual local commercial banking channels, each such association may make, renew, or extend amortized loans for business purposes upon such terms and conditions, and upon such security as the management of such association may determine; provided, that no such association may make loans to borrowers residing or having their place of business at a distance greater than 50 miles from the association's home office; and provided further, that the indebtedness owing by any one borrower to any one or more associations shall not exceed \$100,000. All such loans shall be made at a total cost to the borrower, including interest, service, and all other charges, of not to exceed — percent per annum upon the unpaid principal amount of such loan outstanding and in respect of which such interest and/or other charges are payable.

(d) The Board shall have full power to provide in the rules and regulations herein authorized for the reorganization, consolidation, merger, or liquidation of such associations, including the power to appoint a conservator or a receiver to take charge of the affairs of any such association, and to require an equitable readjustment of the capital structure of the same, and to release any such association from such control and permit its further operation.

(e) No charter shall be granted except to persons of good character and responsibility, nor unless in the judgment of the Board a necessity exists for such an institution in the community to be served, nor unless there is a reasonable probability of its usefulness and success.

(f) Each such association, upon its incorporation, shall become automatically a member of the Federal Investment Bank of the district in which it is located, or, if convenience shall require and the Board approved, shall become a member of a Federal Investment Bank of an adjoining district. Such associations shall qualify for such membership in the manner provided in the Federal Investment Bank Act with respect to other members.

(g) Any portion of the assets of such associations may be invested in obligations of the United States or the stock or bonds of a Federal Investment Bank.

(h) The Secretary of the Treasury is authorized, on behalf of the United States, to subscribe for preferred shares in such associations which shall be preferred as to the assets of the association and which shall be entitled to a dividend, if earned, after payment of expenses and provision for reasonable reserves to the same extent as other shareholders. It shall be the duty of the Secretary of the Treasury to subscribe for such preferred shares upon the request of the Board; but the subscription by him to the shares of any one association shall not exceed \$100,000, and no such subscription shall be called for unless in the judgment of the Board the funds are necessary to provide adequate local credit facilities for independent small business. Payment on such shares may be called from time to time by the association, subject to the approval of the Board and the Secretary of the Treasury; but the amount paid in by the Secretary of the Treasury shall at no time exceed four times the amount paid in by all other shareholders, and the aggregate amount of shares held by the Secretary of the Treasury shall not at any time exceed four times the aggregate amount of shares held by all other shareholders. To enable the Secretary of the Treasury to make such subscriptions when called, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$60,000,000, to be immediately available and to remain available until expended. Each such association shall issue receipts for such payments by the Secretary of the Treasury in such form as may be approved by the Board, and such receipts shall be evidence of the interest of the United States in such preferred shares to the extent of the amount so paid. Each such association shall make provision for the retirement of its preferred shares held by the Secretary of the Treasury, and, beginning at the expiration of 5 years from the time of the investment in such shares, the association shall set aside one-third of the receipts from its investing and borrowing shareholders to be used for the purpose of such retirement. In case of the liquidation of any such association, the shares held by the Secretary of the Treasury shall be retired at par before any payments are made to other shareholders.

(i) Such associations, including their franchises, capital, reserves, and surplus, and their loans and income, shall be exempt from all taxation now or hereafter imposed by the United States, and all shares of such associations shall be exempt both as to their value and the income therefrom from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States; and no State, Territorial, county, municipal, or local taxing authority shall impose any tax on such associations or their franchise, capital, reserves, surplus, loans, or income greater than that imposed by such authority on other similar local banks or financing institutions.

(j) When designated for that purpose by the Secretary of the Treasury and Federal Investment Association may be employed as fiscal agent of the Government under such regulations as may be prescribed by said Secretary and shall perform all such reasonable duties as fiscal agent of the Government as may be required of it. Any Federal Investment Association or any Federal Investment Bank may act as agent for any other instrumentality of the United States when designated for that purpose by such instrumentality of the United States.

Sec. 11. Notwithstanding any other provision of law, and under such rules and regulations as may be prescribed by the Board, any bank, trust company, savings bank, investment banking house, investment trust, finance company, or other financial institution organized and existing under the laws of any State or of the United States may become a nonborrowing member of a Federal Investment Bank and as such may find, investigate, and recommend loans to the bank and when such loans are approved may enter into an arrangement with the bank (1) to participate in the making of such loan; and/or (2) to service such loan and make collections thereon; and (3) charge a reasonable fee for such services rendered, but not to exceed three-fourths of 1 percent per annum when the member institution's only service has consisted of finding, investigating, and recommending the loan to the bank: *Provided*, That only one service charge shall be paid in respect of any loan and no service charge shall become due or be payable until the amount of the loan, including principal and interest, shall have been repaid in full.

Sec. 12. The directors of each bank shall, in accordance with such rules and regulations as the Board may prescribe, make and file with the Board at the earliest practicable date after the establishment of such bank, an organization certificate which shall contain such information as the Board may require. Upon the making and filing of such organization certificate with the Board, and upon the approval of same by the Board, such bank shall become, as of the date of the approval by the Board of its organization certificate, a body corporate, and as such and in its name as designated by the Board it shall have power to adopt, alter, and use a corporate seal; to make contracts; to lease and hold such real estate as may be necessary or convenient for the transaction of its business, but no bank building shall be bought or erected to house any such bank nor shall any such bank make any lease for such

purpose which has a term of more than 10 years; to sue and be sued, to complain, and to defend, in any court of competent jurisdiction, State or Federal; to select, employ, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary for the transaction of its business, subject to the approval of the Board; to define their duties, require bonds of them, and fix the penalties thereof, and to dismiss at pleasure such officers, employees, attorneys, and agents; and, by its board of directors, to prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which its affairs may be administered. The president of any bank may also be a member of the board of directors thereof, but no other officer, employee, attorney, or agent of such bank, who receives compensation, may be a member of the board of directors. Each such bank shall have all such incidental powers, not inconsistent with the provisions of this act, as are customary and usual in corporations generally.

SEC. 13. The Board, with the approval of the Secretary of the Treasury, may authorize the banks to issue, subject to such rules and regulations as the Board may prescribe, notes, debentures, bonds, or other such consolidated obligations to mature not more than 10 years from their respective dates of issue, to be redeemable at the option of the issuing banks before maturity in such manner as may be stipulated in such obligations, and to bear such rate or rates of interest as may be determined by the Board. The Board may, with the approval of the Secretary of the Treasury, authorize the banks to sell on a discount basis short-term obligations, payable at maturity without interest; provided, that the aggregate of all obligations issued by the banks and outstanding at any time under this section shall not exceed 12 times the aggregate amount of the subscribed capital stock of the issuing banks. Such obligations may be offered for sale at such price or prices as the Board may determine with the approval of the Secretary of the Treasury. The Secretary of the Treasury, in his discretion, is authorized to purchase any obligations of any bank or banks issued or to be issued hereunder, and for such purposes there is hereby appropriated out of any money in the Treasury not otherwise appropriated the amount or amounts necessary for such purchases. The Secretary of the Treasury may, at any time, sell any of the obligations of the banks acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of obligations of the banks shall be treated as public-debt transactions of the United States. The Secretary of the Treasury, at the request of the Board, is authorized to market for the banks their notes, debentures, bonds, and other such obligations, using therefor all the facilities of the Treasury Department now authorized by law for the marketing of obligations of the United States. The proceeds of the obligations of the banks so marketed shall be deposited in the same manner as proceeds derived from the sale of obligations of the United States, and the amount thereof shall be credited to the issuing banks on the books of the Treasury.

SEC. 14. Any and all notes, debentures, bonds, or other such obligations issued by any bank shall be exempt both as to principal and interest from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. Each bank, including its franchise, its capital, reserves, and surplus, its advances, and its income and dividends shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority; except that any real property of the bank shall be subject to State, Territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed. The notes, debentures, and bonds issued by any bank, with unearned coupons attached, shall be accepted at par by any bank in payment of or as a credit against the obligations of any debtor of any bank. The Board shall have full power to adjust equities between the banks.

SEC. 15. Obligations of the banks issued with the approval of the Board under this act shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. The Federal Reserve banks are authorized to act as depositaries, custodians, and/or fiscal agents for the banks in the general performance of their powers under this act.

SEC. 16. In order that the banks may be supplied with such forms of notes, debentures, bonds, or other such obligations as they may need for issuance under this act, the Secretary of the Treasury is authorized to prepare such forms as shall be suitable and approved by the Board, to be held in the Treasury subject to delivery, upon order of the Board. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The respective banks shall reimburse the Secretary of the Treasury for any expenses incurred in the preparation, custody, and delivery of such notes, debentures, bonds, or other obligations.

SEC. 17. (a) In order to enable the Board to carry out the provisions of this act, the Treasury Department, the Comptroller of the Currency, the Federal Reserve Board, the Federal Reserve banks, and the Reconstruction Finance Corporation are hereby authorized, under such conditions as they may prescribe, to make available to the Board in confidence, for its use and the use of any Federal Investment Bank, such reports, records, or other information as may be available, relating to the condition of insti-

tutions with respect to which any such Federal Investment Bank has had or contemplates having transactions under this act or relating to persons whose obligations are offered to or held by any Federal Investment Bank, and to make, through their examiners or other employees, for the confidential use of the Board or any Federal Investment Bank, examinations of such institutions.

(b) Every association which shall apply for advances under this act shall, as a condition precedent thereto, consent to such examination as the bank or the Board may require for the purposes of this act and/or that reports of examinations by constituted authorities may be furnished by such authorities to the bank or the Board upon request therefor.

SEC. 18. (a) There is hereby created a Federal Investment Insurance Corporation (hereinafter referred to as the "Corporation"), which shall insure the accounts of associations eligible for insurance as hereinafter provided, and shall be under the direction of a board of trustees, to be composed of three members and operated by it under such bylaws, rules, and regulations as it may prescribe for carrying out the purposes of this title. The members of the Federal Investment Bank Board shall constitute the board of trustees of the Corporation and shall serve as such without additional compensation. The principal office of the Corporation shall be in the District of Columbia.

(b) The Corporation shall have a capital stock of \$100,000,000, which shall be divided into shares of \$100 each. The total amount of such capital stock shall be subscribed for by the Reconstruction Finance Corporation, which is hereby authorized and directed to subscribe for such stock and make payment therefor in funds of the Reconstruction Finance Corporation. The Corporation shall issue to the Reconstruction Finance Corporation receipts for payment for or on account of such stock, which shall serve as evidence of the ownership thereof, and the Reconstruction Finance Corporation shall be entitled to the payment of dividends on such stock out of net earnings at a rate equal to the interest rate on such bonds, which dividends shall be cumulative.

(c) Upon the date of enactment of this act, the Corporation shall become a body corporate, and shall be an instrumentality of the United States, and as such shall have power—

- (1) To adopt and use a corporate seal.
- (2) To have succession until dissolved by act of Congress.
- (3) To make contracts.

(4) To sue and be sued, complain and defend, in any court of law or equity, State or Federal.

(5) To appoint and to fix the compensation, by its board of trustees, of such officers, employees, attorneys, or agents, as shall be necessary for the performance of its duties under this act, without regard to the provisions of any other laws relating to the employment or compensation of officers or employees of the United States. Nothing in this act or any other provision of law shall be construed to prevent the appointment and compensation of any officer, attorney, or employee of the Corporation, of any officer, attorney, or employee of any board, corporation, commission, establishment, executive department, or instrumentality of the Government. The Corporation, with the consent of any board, corporation, commission, establishment, executive department, or instrumentality of the Government, including any field service thereof, may avail itself of the use of information, services, and facilities thereof in carrying out the provisions of this act.

(d) For the purposes of this act, the Corporation shall have power to borrow money and, with the approval of the Secretary of the Treasury, to issue notes, bonds, debentures, or other such obligations upon such terms and conditions as the board of trustees may determine. Moneys of the Corporation not required for current operations shall be deposited in the Treasury of the United States, or upon the approval of the Secretary of the Treasury, in any Federal Reserve bank, or shall be invested in obligations of, or guaranteed as to principal and interest by, the United States. When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depository of public money under such regulations as may be prescribed by the Secretary of the Treasury, and may also be employed as fiscal agent of the United States, and it shall perform all such reasonable duties as depository of public money and fiscal agent as may be required of it.

(e) All notes, bonds, debentures, or other such obligations issued by the Corporation shall be exempt, both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. The Corporation, including its franchise, capital, reserves, surplus, and income, shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to State, Territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

(f) The Corporation shall make an annual report of its operations to the Congress as soon as practicable after the 1st day of January in each year.

(g) No individual, association, partnership, or corporation shall use the words "Federal Investment Insurance Corporation," or any combination of any of these words which would have the effect of leading the public in general to believe there was any connection actually not existing between such individual, association, partnership, or corporation and the Federal Investment Insurance Corporation, as the name under which he or it shall hereafter do busi-

ness. No individual, association, partnership, or corporation shall advertise or otherwise represent falsely by any device whatsoever that his or its accounts are insured or in anywise guaranteed by the Federal Investment Insurance Corporation, or by the Government of the United States, or by any instrumentality thereof; and no insured member shall advertise or otherwise represent falsely by any device whatsoever the extent to which or the manner in which its accounts are insured by the Federal Investment Insurance Corporation. Every individual, partnership, association, or corporation violating this subsection shall be punished by a fine of not exceeding \$1,000, or by imprisonment not exceeding 1 year, or both.

Sec. 19. (a) It shall be the duty of the Corporation to insure the accounts of all Federal Investment Associations. Application for such insurance shall be made immediately by each Federal Investment Association. Such applications shall be in such form as the Corporation shall prescribe, and shall contain an agreement (1) to pay the reasonable cost of such examinations as the Corporation shall deem necessary in connection with such insurance, and (2) if the insurance is granted, to permit and pay the cost of such examinations as in the judgment of the Corporation may from time to time be necessary for its protection and the protection of other insured associations, to permit the Corporation to have access to any information or report with respect to any examination made by any public regulatory authority and to furnish any additional information with respect thereto as the Corporation may require, and to pay the premium charges for insurance hereinafter provided. Each applicant for such insurance shall also file with its application an agreement that during the period that the insurance is in force it will not make any loans beyond 50 miles from its principal office; will not, after it becomes an insured association, issue securities which guarantee a definite return or which have a definite maturity except with the specific approval of the Corporation, or issue any securities the form of which has not been approved by the Corporation; will not carry on any sales plan or practices, or any advertising, in violation of regulations to be made by the Corporation; will provide adequate reserves satisfactory to the Corporation, to be established in accordance with regulations made by the Corporation, before paying dividends to its insured members; but such regulations shall require the building up of reserves to 5 percent of all insured accounts within a reasonable period, not exceeding 10 years, and shall prohibit the payment of dividends from such reserves, or the payment of any dividends if any losses are chargeable to such reserves.

(b) The Corporation shall reject the application of any applicant if it finds that the capital of the applicant is impaired or that its financial policies or management are unsafe; and the Corporation may reject the application of any applicant if it finds that the character of the management of the applicant or its lending policy is inconsistent with sound practices or with the purposes of this title. Upon the approval of any application for insurance the Corporation shall notify the applicant, and upon the payment of the initial premium charge for such insurance, as provided in section 18, the Corporation shall issue to the applicant a certificate stating that it has become an insured association. In considering applications for such insurance the Corporation shall give full consideration to all factors in connection with the financial condition of applicants and insured associations, and shall have power to make such adjustments in their financial statements as the Corporation finds to be necessary.

(c) Any applicant which applies for insurance under this act after the first year of the operation of the corporation, shall pay an admission fee based upon the reserve fund of the applicant which, in the judgment of the Corporation, is an equitable contribution.

Sec. 20. (a) Each association whose application for insurance is approved by the Corporation shall pay to the Corporation, in such manner as it shall prescribe, a premium charge for such insurance equal to one-fourth of 1 percent of the total amount of all accounts of the insured members of such associations plus any creditor obligations of such association. Such premium shall be paid at the time the certificate is issued by the Corporation under section 17, and thereafter annually until a reserve fund has been established by the Corporation equal to 5 percent of all insured accounts and creditor obligations of all insured associations; except that under regulations prescribed by the Corporation such premium charge may be paid semiannually. If at any time such reserve fund falls below such 5 percent, the payment of such annual premium charge for insurance shall be resumed and shall be continued until the reserve is brought back to such 5 percent. For the purposes of this subsection, the amount in all accounts of insured members and the amount of creditor obligations of any association may be determined from adjusted statements made within 1 year prior to the approval of the application of such associations for insurance, or in such other manner as the Corporation may by rules and regulations prescribe.

(b) The Corporation is further authorized to assess against each insured association additional premiums for insurance until the amount of such premiums equals the amount of all losses and expenses of the Corporation; except that the total amount so assessed in any one year against any such association shall not exceed one-fourth of 1 percent of the total amount of the accounts of its insured members and its creditor obligations.

Sec. 21. (a) Each association whose application for insurance under this act is approved by the Corporation shall be entitled to insurance up to the full withdrawal or repurchasable value of the accounts of each of its members and investors (including individuals, partnerships, associations, and corporations) holding with-

drawable or repurchasable shares, investment certificates, or deposits in such association except that no member or investor of any such association shall be insured for an aggregate amount in excess of \$5,000.

(b) In the event of a default by any insured association the Corporation shall promptly determine the insured members thereof and the amount of their insured accounts, and shall make available to each of them, after notice by mail at his last-known address as shown by the books of the insured association, and upon surrender and transfer to the Corporation of his insured account, either (1) a new insured account in an insured association not in default, in an amount equal to the insured account so transferred, or (2) at the option of the insured member, the amount of his account which is insured under this section, as follows: Not to exceed 10 percent in cash and 50 percent of the remainder within 1 year, and the balance within 3 years from the date of such default, in negotiable noninterest-bearing debentures of the Corporation. The Corporation shall furnish to all insured associations a certificate stating that the insurance of accounts in such association is to be paid in the manner described in this subsection.

Sec. 22. (a) In order to facilitate the liquidation of insured associations, the Corporation is authorized (1) to contract with any insured association with respect to the making available of insured accounts to the insured members of any insured association in default, or (2) to provide for the organization of a new Federal investment association for such purpose subject to the approval of the Federal Investment Bank Board.

(b) In the event that a Federal investment association is in default, the Corporation shall be appointed as conservator or receiver and is authorized as such (1) to take over the assets of and operate such association, (2) to take such action as may be necessary to put it in a sound and solvent condition, (3) to merge it with another insured association; (4) to organize a new Federal Investment Association to take over its assets; or (5) to proceed to liquidate its assets in an orderly manner, whichever shall appear to be to the best interests of the insured members of the association in default; and in any event the Corporation shall pay the insurance as provided in section 19 and all valid credit obligations of such association. The net proceeds which may arise from the orderly liquidation of the assets of any such association, after reimbursement of the Corporation of all amounts paid by it for such insurance, shall be distributed pro rata among the shareholders of the association.

(c) In connection with the liquidation of insured associations in default, the Corporation shall have power to carry on the business of and to collect all obligations to the insured associations, to settle, compromise, or release claims in favor of or against the insured associations, and to do all other things that may be necessary in connection therewith, subject only to the regulation of the court or other public authority having jurisdiction over the matter.

(d) The Corporation shall make an annual report to the Congress of the operation by it of insured associations in default and shall keep a complete record of the administration by it of the assets of such insured associations which shall be subject to inspection by any officer of any such insured association or by any other interested party, and, if any such insured association is operated under the laws of any State, Territory, or possession of the United States, or of the District of Columbia, such annual report shall also be filed with the public authority which has jurisdiction over the insured association.

Sec. 23. (a) Any association which is insured under the provision of this act may, upon not less than 90 days' written notice to the Corporation, terminate its status as an insured association upon a majority vote of its shareholders entitled to vote, or upon a majority vote of its board of directors or other similar governing body which is authorized to act for the association. Thereupon its status as an insured association shall immediately cease and all rights of its insured members to insurance under this act shall immediately terminate; but the obligation of the association to pay the premium charges for insurance shall continue for a period of 3 years after the date of such termination.

(b) The Corporation shall have power to terminate the insured status of any insured association at any time, after 90 days' notice in writing, for violation of any provision of this act, or of any rule or regulation made thereunder, or of any agreement made pursuant to section 18. In the event the insured status of any insured association is so terminated it shall be unlawful thereafter for it to advertise or represent itself as an insured association, but the insured accounts of its members existing on the date of such termination shall continue as such for a period of 5 years thereafter, and the association shall be required to continue the payment of the premium charge for insurance during such 5-year period.

Sec. 24. (a) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any loan, or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of any association or bank, or for the purpose of obtaining money, property, or anything of value, under this act, shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 2 years, or both.

(b) Whoever (1) falsely makes, forges, or counterfeits any note, debenture, bond, or other obligation, or coupon, in imitation of or purporting to be a note, debenture, bond, or other obligation, or

coupon, issued by any bank; or (2) passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeit note, debenture, bond, or other obligation, or coupon, purporting to have been issued by any bank, knowing the same to be false, forged, or counterfeit; or (3) falsely alters any note, debenture, bond, or other obligation, or coupon, issued or purporting to have been issued by any bank; or (4) passes, utters, or publishes, or attempts to pass, utter, or publish, as true any falsely altered or spurious note, debenture, bond, or other obligation, or coupon, issued or purporting to have been issued by any bank, knowing the same to be falsely altered or spurious; or any person who willfully violates any other provision of this act shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 5 years, or both.

(c) Whoever, being connected in any capacity with any association or bank, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to it or pledged or otherwise entrusted to it; or (2) with intent to defraud any association or bank, or to deceive any officers, auditors, or examiner of the Board or any association or bank, makes any false entry in any book, report, or statement of or to the Board or any association or bank, or, without being duly authorized, draws any order or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof; or (3) with intent to defraud participants, shares, receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, commission, contract, or any other act of the Board or any association or bank; or (4) gives any unauthorized information concerning any future action or plan of the Board or any association or bank which might affect the value of securities, or, having such knowledge, invests or speculates, directly or indirectly, in the securities or property of any individual, association, partnership, or corporation receiving loans or other assistance from any association or bank, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 5 years, or both.

SEC. 25. The right to alter, amend, or repeal this act is hereby expressly reserved. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 26. This act may be cited as the "Federal Investment Bank Act of 1939."

The matter presented by Mr. LOGAN, in connection with the bill, is as follows:

STATEMENT OF SENATOR LOGAN

Mr. President, we are concerned for the preservation of democracy in America against the inroads of the "isms." This concern has manifested itself in unprecedented peacetime appropriations for our armed defense forces, in appropriations for the investigation and exposure of subversive elements working to overthrow our form of government, and in a state of mind on the part of the general public bordering upon alarm.

Mr. President, I approve of the President's program for strengthening the national armed defense. But there is another aspect of defense that is equally important. We all know that so long as America is prosperous we need not be concerned over the inroads of alien ideologies within our borders. These despotic forms of government, which give to their masses a very slight and temporary degree of economic security in exchange for the permanent appropriation of their liberties and their desire to remain at peace, obtain their footholds and thrive only in an atmosphere of chronic depression.

Within the broad framework of our democratic form of government we have sought to safeguard our institutions and strengthen our internal structure through programs of assistance and adjustment which enable us to cope more effectively with present-day needs and conditions.

We have a program for agriculture.

We have a program for labor.

We have a program for the home owner.

We have done much that has directly benefited big business.

But, Mr. President, with all that we have done, we have done little or nothing for the small-business man. This is particularly regrettable, not only because small business—which in the aggregate employs more people and pays more taxes than any other economic group—is sorely in need of assistance, but also because the small business men and women comprise the bulk of that middle class of our population, which has often and rightfully been termed "the backbone of America." There you will find the type of men and women who in years past were the pioneers of prosperity in this country, and who today stand as a bulwark against the inroads of the "isms."

Mr. President, I have just introduced a bill which would provide additional and more liberal credit facilities for little business. The measure is sponsored by the American Federation of Little Business, a national nonpartisan association of independent small-business men. It is modeled closely after the Federal Home Loan Bank, Federal savings and loan system, which has proven an outstanding success in its field.

This measure, if incorporated into law, will not be a burden upon the public purse. It does not call for establishment of a costly or competitive agency. It provides an avenue for investment of private capital as well as a source of greatly needed credit, and it should cost the taxpayers nothing. I submit that it is worthy of the attention and support of every Member of this Congress.

[American Federation of Little Business, Washington, D. C.]

SUMMARY OF PROPOSED INVESTMENT BANK ACT

1. The bill is designed to provide permanent intermediate credit facilities for independent small business (\$100,000 limitation on size of loans).

2. The proposed structure is closely patterned after the existing home loan bank—Federal Savings and Loan Association system. At the top is a three-man board, appointed by the President and charged with general supervision over the banks, the associations, and the insurance corporation. The 12 regional investment banks provided for are intended to serve primarily as reservoirs for the discount paper emanating from the local investment associations, although they may make loans direct under certain circumstances. The local investment associations constitute the broad base of the system and are authorized to make loans generally for business purposes (including character loans) when credit of the type applied for is not otherwise available through the usual local commercial banking channels. Thus the passing upon credit risks and the extension of credit is made a function of local management, although the board and the banks keep in close touch through examinations.

3. It is proposed that the capital be provided as follows:

(a) The capital stock of the regional investment banks: To be subscribed by the Secretary of the Treasury, the money (up to a total of \$120,000,000) to be provided by R. F. C.

(b) The capital of the local investment associations: To be provided by local investors and the Secretary of the Treasury (\$60,000,000 appropriated for this purpose—par. (h) of sec. 10), the latter being authorized to subscribe for preferred shares at a 4 to 1 ratio (to common capital) up to \$100,000 for each local association. The common-stock subscriptions are protected by insurance up to \$5,000 in the case of each such investment.

(c) The capital stock of the Insurance Corporation (\$100,000,000): to be subscribed by R. F. C.

4. The intent is to provide a decentralized intermediate credit system in which local management and responsibility and some local money will be combined with Federal regulation and Federal money. After 5 years the preferred-stock investment of the Secretary of the Treasury in the local associations is to be progressively retired.

5. The total lending capacity of the system depends upon many factors, such as the number and capitalization of the local associations. The banks are authorized to issue their consolidated debentures in the ratio of 12 to 1 of capital. Such debentures are generally tax-exempt, but are not guaranteed by the Government.

6. The proposed method of insurance, mechanics thereof, etc., are practically identical with those provided in connection with the home loan bank—Federal Savings and Loan Association system and program.

7. The bill is sponsored by the American Federation of Little Business, an independent, nonpartisan, and Nation-wide organization of independent, small-business men. The active support of all Members of Congress, without regard to party affiliation, is cordially invited.

SPEAKING OF LIBERTY—SMALL ENTERPRISE AND ECONOMIC INDEPENDENCE ARE THE BULWARKS OF DEMOCRACY (By Walter Lippmann)

PARIS, July 15.

We live in a time when great masses of civilized men have either voluntarily surrendered their personal liberties or at least have submitted without serious protest or resistance to the destruction of their liberties. It is important that we should understand the causes. This is not too difficult. For while a library of books might profitably be written on the subject, one fundamental aspect of the question at least is clear enough to anyone who passes back and forth between the totalitarian and the free nations of Europe.

It is that the peoples who have lost their civil rights had previously lost or had never obtained the means of economic independence for individuals, families, and local communities. It is very clear, I think, that the masses who have fallen under the spell of demagogic dictators and their terroristic bands were recruited from individuals who had no property, no savings, and either no job at all or a job which they could not feel sure of holding. They were in the exact sense of the term proletarians, even if they happened to be earning fairly high salaries at the moment, for they had no reserves to fall back upon. They could not afford to lose their jobs. They could not afford, therefore, to speak their minds or to take any risks—to be in any real sense of the word "individual" citizens. They had to be servile or they starved. Wherever a dictatorship has been set up in Europe, the mass of individuals had already become so insecure that they no longer dared to exercise the legal liberties that the demagog was attacking.

MAN SHOULD BE ABLE TO CHANGE HIS JOB

To have economic independence a man must be in a position to leave one job and go to another; he must have enough savings

of some kind to exist for a considerable time without accepting the first job offered. Thus, the peasant, for all his poverty and the exploitation which he suffers, is relatively to his own needs still the freest man in central Europe. The fact that he can exist by his own labor on his own piece of land gives him an independence which every dictatorial regime, except the Russian perhaps, has been forced to respect.

But the industrial worker who has a choice between working in one factory and not working at all, the white-collar intellectuals who compete savagely for the relatively few private positions and for posts in the bureaucracy—these are the people who live too precariously to exercise their liberties or to defend them. They have no savings. They have only their labor to sell, and there are very few buyers of their labor. Therefore they have only the choice of truckling to the powerful or of perishing heroically but miserably. Men like these, having none of the substance of liberty themselves, have scant respect for any law or any form of civil right.

The reason the love of liberty, as we understand it in America, is so strong in France is undoubtedly, it seems to me, that France still is a country where the great mass of the people have their own farms, their own shops, their own little business enterprises, and some savings for a rainy day and an emergency. This is the solid foundation of French liberty. The French electorate, except perhaps in a few industrial centers, is not a frightened crowd but a collection of independent families stubbornly attracted to their farms, shops, homes, and bank accounts.

THEY ARE NOT EASY TO TERRORIZE

They are not easy to terrorize, because they have reserves for their independence. They have resistance to mass propaganda because they have so much independence as individuals. And that is why they have such a dread of inflation, which would destroy their individual savings, and such a dislike of monopoly and the concentrating of big business, which would make them the hirelings of a single master.

The more I see of Europe the more deeply convinced do I become that the preservation of freedom in America, or anywhere else, depends upon maintaining and restoring for the great majority of individuals the economic means to remain independent individuals. The greatest evil of the modern world is the reduction of the people to a proletarian level by destroying their savings, by depriving the helpless employees of a private monopoly or of Government monopoly. At that point they are no longer citizens. They are a mob. For when the people lose this sense of their separate and individual security, they cease to be individuals. They are absorbed into a mass. Their liberties are already lost and they are a frightened crowd ready for a master.

THE OBJECTIVE IS CLEAR

Though the actual measures to be taken are debatable, the objective for a free government is, I think, clear. It should use its authority to enable the independent farmer, the small and moderate-sized enterprise, the small saver, to survive. It should use its authority to see that large enterprise is no larger than technology requires, depriving big business of corporate privileges and other forms of legal and economic advantage which make it bigger than on economic grounds it needs to be. A resolute democracy should favor the dispersion of industry rather than its concentration, and it should favor the rise in as many communities as possible of different kinds of enterprise rather than a high degree of specialization on some one product.

For unless the means of independence are widely distributed among the people themselves, no real resistance is possible to the advance of tyranny. The experience of Europe shows clearly that when a nation becomes proletarian, the result is not, as the Communists taught, a dictatorship by the proletariat but a dictatorship over the proletariat.

REPEAL OF NEUTRALITY ACTS

Mr. LEWIS. Mr. President, I introduce a bill concerning which I wish to make some allusions shortly. The measure deals with the matter of the repeal of the neutrality laws. I ask that the bill may be printed in the RECORD and appropriately referred.

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

The bill (S. 1745) to repeal the specific acts known as neutrality laws passed in the years 1935, 1936, 1937, and 1938, and to reestablish the doctrine of the United States that neutrality in all foreign conflicts is the policy of the United States and to be enforced according to such regulations as the Executive, in charge of the national defense of the country and the protection of our citizens, from time to time will be called upon to apply, was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the acts of Congress designated as neutrality statutes of the dates of the years of 1935, 1936, 1937, and 1938, and the amendments and additions thereto be each hereby repealed.

Sec. 2. That the policy of neutrality of the United States of America as concerns conflicts in foreign lands that bear no relation to the United States, of interest to its citizens or defense to its Nation is to be executed from time to time by appropriate Executive orders by the President of the United States and enforced in such branches of the Government as shall be directed.

Sec. 3. That the regulations for the enforcement of neutrality in the different forms of political subjects are to be carried out by such provisions and orders, and substitute orders, as from time to time will be called for by the needs of the United States and the proper defense of the interests of its people.

All acts and parts of acts in conflict with this act are hereby repealed.

Mr. LEWIS subsequently said: Mr. President, I should like to make a brief explanation preliminary to an address which on a later occasion I wish to make to the Senate. I am informed by Senators that they are very much interested in certain bills on the calendar, and I will not at this time consume such moments as I otherwise would in carrying out my original intention.

This morning I introduced a bill looking to the repeal of the acts of Congress designated as the neutrality laws. The bill which I tendered this morning is in fulfillment of an object I have had for some time. I am told by other Senators on the floor that either they have tendered bills involving something of the nature incorporated in my measure or such is their intent.

Mr. President, it is only fair to say at the outset that when this particular bill to which we refer now as the act of 1938, preceded by the bills of 1937 and one of 1936, was before the Committee on Foreign Relations I opposed it, though unsuccessfully, before the committee. I also opposed it on the floor without success.

I now point out what I assumed to point out then, sir, that if neutrality in the affairs and conflicts of other lands in which we are not concerned is the policy of our country, then the execution of that neutrality should be left to the wisdom and patriotism of those who, under our theory of government, are in control of our foreign policy. Instead of by an act of Congress attempting to prescribe in what way neutrality should be executed and what form it should take, wherein it should be circumscribed or relaxed, it is my object, sir, to have established the enforcement of neutrality by regulation through the President, as Commander in Chief of the Army and Navy, and according to the conditions and circumstances which may surround particular events.

To have an act of Congress assume to define the observance of neutrality in a specific manner and then to make it possible for a foreign country directly to act in such manner as that it may avoid the law, or to permit events which may transpire wholly to overcome the law impresses me as lacking in wisdom and detrimental to the best interests of America. There should be such elasticity in enforcing neutrality provisions through the regulations of those in power that they could be easily and readily changed in order to meet the attitude of any other land making a change adverse to the United States. Looking to the protection of this country and the preservation of our people the authority and right to enforce neutrality along the lines of justice should be in the hands and in the power of those who execute our foreign policy.

I say, sir, that it is my purpose to press this subject further and more in detail in an address to this honorable body when I will not interfere with the passing of bills in which Senators are interested; and the notice I now give is that I shall, in coming days, if possible, address the Senate more fully in support of the measure I have introduced.

EXEMPTION FROM TAXATION OF HOMESTEADS TO THE VALUE OF \$5,000

Mr. SHEPPARD. I introduce a joint resolution and I desire to make a few comments on it. Before doing so, I will ask that it be printed entire in the RECORD, and properly referred.

The VICE PRESIDENT. The joint resolution of the Senator from Texas will be received and appropriately referred, and, without objection, it will be printed in the RECORD.

The joint resolution (S. J. Res. 88) proposing an amendment to the Constitution of the United States providing for

tax exemption of certain homesteads was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The homestead of any head of a family, male or female, or of any citizen having one or more persons dependent on him or her for support, shall be exempted from taxation up to \$5,000 of its value when occupied by its owner or by his or her dependents as a homestead, excepting only the tax required to pay State, county, municipal, and district bonded debt applicable to such homesteads and outstanding at the date of ratification of this article.

"SEC. 2. The Congress and the States shall have power to enforce this article by appropriate legislation."

Mr. SHEPPARD. Mr. President, the joint resolution introduced by me proposes to amend the Federal Constitution so that homesteads up to the value of \$5,000 may be exempted from taxation. I introduced this measure for the first time in the last Congress toward the end of which it was reported favorably to the Senate Judiciary Committee by a subcommittee of that committee. Sufficient time did not remain to press it further before final adjournment. It was Senate Joint Resolution 220 in the last Congress.

The exemption, bringing permanent safety to family savings invested in homesteads, would encourage individual ambition, industry, and thrift. We recognized the desirability of such encouragement by insuring \$5,000 of individual savings, deposited in banks against loss, and by exempting small individual incomes from the income tax.

The steady advancement of the homestead tax exemption movement in State after State, unsupported by organization of any kind, and opposed as a rule by large property interests which fear homestead exemption may increase their taxes, affords strong proof that the great majority of all who own homesteads, and all who would like to own them but for fear of losing them for taxes, desire the adoption of homestead tax exemption as a national policy.

All of us who believe in private property as the indispensable foundation of our free institutions—including, I take it for granted, all Members of the Congress—ought to be able to see that the bedrock of that foundation is the freehold homestead. We ought to be glad to give it the same measure of protection that has been given an equal amount of individual or family savings deposited in banks. We ought to realize that until this shall be done homestead ownership will continue to decay, as it has been doing for many years past; especially and most dangerously in the farming regions.

This homestead tax exemption amendment is the only proposal now before the Congress for an abatement of taxes. Submission of the amendment by the Seventy-sixth Congress, in my judgment, would profoundly gratify a great majority of the American people.

Against the menace of our free institutions by foreign dictatorships nothing else can so effectually defend us as the encouragement of freehold homestead ownership certain to follow submission and ratification of this amendment.

A home-owning citizenship is the best guaranty of the institutions of freedom.

This measure will aid in anchoring the citizen to the home.

AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT—WHEAT AND COTTON

Mr. LEE submitted an amendment intended to be proposed by him to the bill (S. 1405) to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of regulating interstate and foreign commerce in wheat and cotton, and providing for the orderly marketing of such commodities at fair prices in interstate and foreign commerce, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

ACQUISITION OF COTTON FOR NATIONAL DEFENSE—AMENDMENTS

Mr. BILBO submitted amendments intended to be proposed by him to the bill (S. 572) to provide for the common

defense by acquiring stocks of strategic and critical raw materials, concentrates, and alloys essential to the needs of industry for the manufacture of supplies for the armed forces and the civilian population in time of a national emergency, and for other purposes, which were ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

On page 5, line 6, after the word "under", insert the following: "the preceding provisions of."

At the end of the bill insert the following new section:

"SEC. 8. (a) The Commodity Credit Corporation is authorized and directed to acquire title to (1) any cotton from the 1934 crop remaining as security for loans made or arranged for by the Corporation and (2) such cotton from the 1937 to 1938 crops remaining as security for loans made or arranged for by the Corporation as will, when added to the cotton of the 1934 crop held or acquired by the Corporation, make a total of 7,000,000 bales. No such cotton shall, without the consent of the owner thereof, be acquired prior to the maturity date of the loan secured by it or in a manner inconsistent with the provisions of the loan agreement executed in connection with such loan. The Commodity Credit Corporation, to the extent necessary in order to carry out the provisions of this section, shall assume and discharge all or any part of the obligations, including accrued interest and carrying charges, of the borrower with respect to any cotton held as security for a loan made or arranged for by the Corporation.

"(b) The Commodity Credit Corporation shall transfer title to any cotton of the 1934 crop held by it and any cotton acquired by it under the provisions of subsection (a) of this section to the Secretary of War. The Secretary of War shall take possession of such cotton and shall store it in warehouses located on military reservations and at such other places as he may deem proper. Such cotton shall be retained in storage by the Secretary for the purpose of maintaining a reserve supply adequate to meet the needs of the United States in the event of war or other national emergency which might require the United States to obtain large quantities of cotton.

"(c) The Secretary of War is authorized to construct such warehouses and to employ such personnel as he may find to be necessary for the purpose of providing for the storage of any cotton acquired by him under the provisions of this section.

"(d) There are hereby authorized to be appropriated such sums as may be necessary in order to enable the Secretary of War to carry out the provisions of subsections (b) and (c) of this section."

STUDY OF THE TELEGRAPH INDUSTRY

Mr. WHEELER submitted the following resolution (S. Res. 95), which was referred to the Committee on Interstate Commerce:

Whereas the telegraph industry plays an important role in the economic life of the Nation and is an arm of the national defense; and

Whereas the telegraph industry is in a precarious financial and economic state and the corporations engaged in such industry are possibly contemplating a merger or consolidation which would result in the creation of a monopoly detrimental to the public, the industry, and labor: Therefore be it

Resolved, That the Committee on Interstate Commerce is authorized and directed to make a thorough and complete study of the telegraph industry in the United States, including the economic conditions of the telegraph carriers, their relation to corporations engaged in other forms of communications, and the tendencies toward consolidation and monopoly in such industry. The committee shall report to the Senate as soon as possible the results of its study, together with its recommendations for the enactment of any remedial legislation it may deem necessary for the best interests of the public, the industry, and labor.

For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings; to sit and act at such times and places, either in the District of Columbia or elsewhere, during the sessions, recesses, and adjourned periods of the Senate in the Seventy-sixth Congress; to employ such experts, and clerical, stenographic, and other assistants; to require by subpoena or otherwise the attendance of such witnesses and the production and impounding 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 expenses of the committee, which shall not exceed —, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

ESTABLISHMENT OF DISTRICT-OWNED LIQUOR STORES

Mr. HERRING (by request) submitted the following resolution (S. Res. 96), which was referred to the Committee on the District of Columbia:

Resolved, That for the purpose of obtaining information necessary as a basis for legislation the Committee on the District of Columbia, as a whole or by subcommittee, is authorized and directed to conduct an investigation and study of the advisability of the elimination of the present class A liquor stores in the District of Columbia and the establishment of a sufficient number of liquor stores to be owned by the District of Columbia for the purpose of raising revenue for the support of the government of the District

of Columbia. The committee shall report to the Senate as soon as practicable the results of its investigation, together with such recommendations for legislation as it deems desirable.

The committee is authorized to request and secure, for the purposes of this resolution, such information and assistance from the Commissioners of the District of Columbia, or from officers or employees designated by the Commissioners, as may be deemed necessary by the committee.

For the purposes of this resolution the committee, or any subcommittee thereof, is authorized to sit and act during the present Congress at such times and places within the District of Columbia, whether or not the Senate is sitting, has recessed, or has adjourned; to hold such hearings; to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents; and to take such testimony as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

ADRIEN ADELMAN

Mr. OVERTON submitted the following resolution (S. Res. 97), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Adrien Adelman, employed as professional consultant by the Committee on Manufactures investigating the desirability of establishing a National Economic Council under authority of Senate Resolution No. 114, Seventy-fourth Congress, the sum of \$2,000 for services during the months of September, October, November, and December 1938, and an additional sum of \$295 for per diem in lieu of subsistence, traveling expenses, and clerical assistance during the same period of time.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calhoun, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3791) to provide more effectively for the national defense by carrying out the recommendations of the President in his message of January 12, 1939, to the Congress, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAY, Mr. THOMASON, Mr. HARTER of Ohio, Mr. ANDREWS, and Mr. SHORT were appointed managers on the part of the House at the conference.

THE NATIONAL DEFENSE

Mr. SHEPPARD. Mr. President, I ask that a message from the House of Representatives be laid before the Senate.

The PRESIDING OFFICER (Mr. MILLER in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 3791) to provide more effectively for the national defense by carrying out the recommendations of the President in his message of January 12, 1939, to the Congress, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHEPPARD. Mr. President, it will be necessary for me to leave the city for a few days, and it will not be practicable for me to serve as one of the conferees. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and I ask that the Senator from Illinois [Mr. LEWIS], the Senator from Kentucky [Mr. LOGAN], the two ranking members on the majority side, and the Senator from Vermont [Mr. AUSTIN], the ranking member on the minority side, of the Military Affairs Committee, be appointed conferees on the part of the Senate on this bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LEWIS, Mr. LOGAN, and Mr. AUSTIN conferees on the part of the Senate.

PROHIBITION OF CERTAIN POLITICAL PRACTICES—ADDRESS BY SENATOR GUFFEY

[Mr. MINTON asked and obtained leave to have printed in the RECORD a radio address delivered by Senator GUFFEY on March 7, 1939, on the subject The Prohibition of Certain Political Practices, which appears in the Appendix.]

THE CALENDAR

The PRESIDING OFFICER. If there be no further routine business, the call of the calendar under rule VIII is next in order.

The clerk will state the first bill on the calendar.

BILL AND RESOLUTIONS PASSED OVER

The bill (S. 326) for the payment of awards and appraisals heretofore made in favor of citizens of the United States in claims presented under the General Claims Convention of September 8, 1923, United States and Mexico, was announced as first in order.

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

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 58) providing that a calendar day's notice shall suffice in connection with suspension of a rule was announced as next in order.

Mr. CLARK of Missouri. I ask that the resolution be passed over.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 74) providing for a Committee on Civil Aviation was announced as next in order.

Mr. CLARK of Missouri. I ask that the resolution be passed over.

The PRESIDING OFFICER. The resolution will be passed over.

AUXILIARY VESSELS FOR THE NAVY

The Senate proceeded to consider the bill (S. 828) to permit the President to acquire and convert, as well as to construct, certain auxiliary vessels for the Navy, which had been reported from the Committee on Naval Affairs with an amendment to add a new section at the end of the bill, so as to make the bill read:

Be it enacted, etc., That section 1 of the act entitled "An act to authorize the construction of certain auxiliary vessels for the Navy," approved July 30, 1937 (50 Stat. 544), is hereby amended by inserting after the word "authorized," in the fifth line thereof, the words "to acquire and convert or," so that the said section as amended will read as follows:

"That for the purpose of furnishing or replacing auxiliary vessels urgently necessary for the proper maintenance and operation of the Navy, the President of the United States is hereby authorized to acquire and convert or to undertake the construction of about 36,050 tons (light displacement tonnage) of such auxiliary vessels as follows, at a total cost for all vessels of not more than \$50,000,000:

- "(a) One seaplane tender of about 8,300 tons;
- "(b) One destroyer tender of about 9,000 tons;
- "(c) One mine sweeper of about 600 tons;
- "(d) One submarine tender of about 9,000 tons;
- "(e) One fleet tug of about 1,150 tons; and
- "(f) One oil tanker of about 8,000 tons."

Sec. 2. Sums heretofore or hereafter appropriated or made available for the commencement or for the construction and machinery, and armor, armament, and ammunition of auxiliary vessels for the Navy shall be held and considered to be available either for the acquisition and conversion or for the construction of such vessels.

Sec. 3. The act entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1937, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1938, and for other purposes" (50 Stat. 755), is hereby amended by deleting therefrom, at page 769, the words "and the cost of either shall not exceed the estimated cost thereof set forth on pages 524 and 525 of the hearings of the House Committee on Appropriations on the third deficiency appropriation bill for the fiscal year 1937": *Provided*, That nothing herein contained shall be construed as increasing the limit of the total cost of \$50,000,000 imposed by the act of July 30, 1937, on the auxiliary vessels authorized therein.

Mr. WALSH. Mr. President, the Senator from Missouri [Mr. CLARK] and other Senators have asked that an explanation be made of this bill and the bill following it on the calendar. I think I can explain the purpose of the bill very briefly.

The purpose of Senate bill 828 is to permit the President to acquire and convert, as well as to construct, certain auxiliary vessels for the Navy. The bill was introduced at the request of the Navy Department. It does not authorize the acquisition or construction of any additional vessels for the Navy, and does not authorize any additional appropriations. Instead of constructing, the Navy in two instances, under existing law and authority, has acquired tankers known as naval auxiliaries. Two such tankers constructed and built

by the Maritime Commission are now under the control of the Navy Department, and are being modernized for naval purposes by the Navy Department. It is necessary to change existing law in the case of one other tanker with respect to which the authority is limited to construction, in order to permit the Navy to do the same thing—not to do the constructing itself, but to acquire by purchase tankers built by the Maritime Commission.

The bill, therefore, is simply an amendment giving the Navy Department an opportunity to acquire as well as to construct. The money to construct is already appropriated. There will be a saving of about \$1,500,000 by acquiring rather than constructing. No additional money is required. It is simply an amendment to the law, giving the Navy Department authority to do what it has done in other cases in which it has had general authority to acquire as well as to construct.

Mr. CLARK of Missouri. Mr. President, let me say that the last time the calendar was called I asked for an explanation of the bill. I am completely satisfied with the explanation, and have no objection to the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

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

ALTERATIONS AND REPAIRS TO CERTAIN NAVAL VESSELS

The Senate proceeded to consider the bill (S. 829) to authorize alterations and repairs to certain naval vessels, and for other purposes, which had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 9, after the numerals "\$5,000,000," to strike out "Provided further, That alterations and repairs to naval vessels authorized by this act shall be subject to the provisions of such treaty or treaties limiting naval armaments as may be in effect at the time such alterations and repairs are undertaken", so as to make the bill read:

Be it enacted, etc., That for the purpose of modernizing the U. S. S. *Argonaut*, *Narwhal*, and *Nautilus*, alterations and repairs to such vessels are hereby authorized and expenditures therefor shall not be limited by the provisions of the act approved July 18, 1935 (49 Stat. 482; 5 U. S. C. 468a): *Provided*, That the total cost of such alterations and repairs shall not exceed \$5,000,000.

Mr. WALSH. Mr. President, this bill permits the Navy to modernize three submarines which were built in 1930. The submarines have been found to be defective in their engine construction, and in order to make them of military value and use it is necessary to modernize and reconstruct them. Under general law, if the amount is not more than \$450,000, the Navy can proceed to make repairs without coming to the Congress. Because of the amount being more than \$450,000, congressional action is required to permit reconstruction of the three submarines, which are too valuable to scrap. Reconstruction will save the cost of building new ones. The cost will be about \$1,800,000 for each one, or about \$5,500,000 for the three.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

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

CALL OF THE ROLL

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

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Bulow	Ellender	Herring
Andrews	Burke	Frazier	Hill
Ashurst	Byrd	George	Holman
Austin	Byrnes	Gerry	Hughes
Bailey	Capper	Gibson	Johnson, Calif.
Bankhead	Caraway	Gillette	Johnson, Colo.
Barbour	Chavez	Glass	Kling
Barkley	Clark, Idaho	Green	La Follette
Bilbo	Clark, Mo.	Guffey	Lee
Bone	Connally	Gurney	Lewis
Borah	Danaher	Harrison	Lodge
Bridges	Davis	Hatch	Logan
Brown	Donahay	Hayden	Lucas

Lundeen	Norris	Schwartz	Townsend
McCarran	Nye	Schwellenbach	Truman
McKellar	O'Mahoney	Sheppard	Tydings
McNary	Overton	Shipstead	Van Nuys
Maloney	Pepper	Smathers	Wagner
Mead	Pittman	Smith	Walsh
Miller	Radcliffe	Taft	Wheeler
Minton	Reed	Thomas, Okla.	White
Murray	Reynolds	Thomas, Utah	Wiley
Neely	Russell	Tobey	

The PRESIDING OFFICER. Ninety-one Senators have answered to their names. A quorum is present.

INTERNATIONAL AGREEMENT FOR REGULATION OF WHALING

The Senate proceeded to consider the bill (S. 1045) to give effect to the International Agreement for the Regulation of Whaling, signed at London, June 8, 1937, and for other purposes, which had been reported from the Committee on Foreign Relations with amendments.

The first amendment was, in section 3 (a), on page 4, line 22, after the word "right", to insert "or young dolphin", so as to make the paragraph read:

SEC. 3. (a) Except as permitted by regulations made as hereinafter provided, it shall be unlawful to attempt to take, capture, or kill, or to hunt, take, capture, kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried by any means whatever, receive for shipment, transportation or carriage, import or export at any time or in any manner, any right or young dolphin or gray whale, or any female baleen or sperm whale accompanied by a calf, or any calf, or to sell, purchase, ship, transport by any means whatever, import or export the products of any such whale, including oil, meat, bone, meal, or fertilizer.

The amendment was agreed to.

The next amendment was, in section 6, paragraph (c), page 9, line 1, after the word "violating", to insert "the convention or", so as to make the paragraph read:

(c) Any officer of the Coast Guard or Customs Service who shall find any vessel subject to the jurisdiction of the United States violating the convention or this act or any regulation promulgated pursuant thereto shall have authority to seize such vessel, and such vessel, including its tackle, apparel, furniture, cargo, and stores, may be forfeited to the United States by proceedings in the proper United States district court. Any such officer also shall have power without warrant to arrest any person committing in his presence a violation of this act or any regulation promulgated pursuant thereto and to take such person for examination or trial before an officer or court of competent jurisdiction; and any such officer shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of the convention, this act, or any regulation promulgated pursuant thereto; and shall have authority, with a search warrant, to search any place on land.

The amendment was agreed to.

The next amendment was, in section 6, paragraph (d), page 10, line 1, after the words "provisions of", to insert "the convention or", so as to make paragraph (d) read:

(d) All whales or parts or products thereof taken, processed, shipped, transported, carried, imported, or possessed contrary to the provisions of this act, or of any regulations promulgated pursuant thereto, shall be subject to seizure by any United States marshal, deputy marshal, or officer of the Coast Guard or Customs Service, and upon conviction of the offender, or upon judgment of a court of the United States that the same were taken, processed, shipped, transported, carried, imported, or possessed contrary to the provisions of the convention or this act, or any regulation promulgated pursuant thereto, such whales or parts or products thereof, or their value, may be forfeited to the United States.

The amendment was agreed to.

The next amendment was, in section 13, page 11, line 21, to insert "Provided, That such repeal shall not operate in any way to abrogate, change, or diminish any rights now involved in pending litigation or cause of action accrued or accruing prior to the passage of this act under the provisions of existing law", so as to make the section read:

SEC. 13. The Whaling Treaty Act of May 1, 1936, 49 Stat. 1246 (U. S. C., Supp. III, title 16, secs. 901-915), is hereby repealed: *Provided*, That such repeal shall not operate in any way to abrogate, change, or diminish any rights now involved in pending litigation or cause of action accrued or accruing prior to the passage of this act under the provisions of existing law.

The amendment was agreed to.

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

The PRESIDING OFFICER. The Chair announces that the morning hour has expired.

Mr. BARKLEY. I ask unanimous consent that the call of the calendar may be continued.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the next bill on the calendar.

CONTROL OF STREAM POLLUTION

The bill (S. 685) to create a Division of Water Pollution Control in the United States Public Health Service, and for other purposes, was announced as next in order.

Mr. BARKLEY. Mr. President, I had hoped to secure action on this bill today, but I have conferred with the Senator from Missouri [Mr. CLARK], who has in the last few days introduced another bill on the same subject. He desires to have hearings before the committee on his bill. I have no desire to shut off anybody from hearings on a bill, and, without, in any way, affecting the status of the bill that is now on the calendar, I have agreed that if within the next few days hearings can be had by the Committee on Commerce on the bill of the Senator from Missouri, then, I shall not press for action on the pending bill.

Mr. CLARK of Missouri. Mr. President, let me say to the Senator from Kentucky that I have no desire whatever to delay the consideration of legislation on the very important subject of the control of stream pollution. On the contrary, my very ardent desire is to expedite it in every way possible.

The Senator from Kentucky has introduced a bill which I assume is essentially the same as the bill passed at the last session of Congress and which was considered by the Commerce Committee. It so happens that, without any notice to committee members, the subject was to be taken up on the only day during the present session when it has been necessary for me to be absent from the Commerce Committee. A few days later, after a bill which I had in preparation was perfected, I introduced it.

It seems to me that the whole subject of stream pollution is so very important that the various measures proposed should all have consideration at the same time. Therefore, I requested the Senator from Kentucky not to press for the passage of his bill at this time, which I would necessarily have to oppose with every means in my power, within parliamentary limits, until there has been reasonable opportunity afforded for the consideration of my bill by the Commerce Committee.

I have not had opportunity as yet of conferring with the chairman of the Commerce Committee, but I am certain that there will be no objection in the committee to a hearing, which I have no desire to be unduly extensive, at the earliest possible moment. I assure the Senator from Kentucky that so soon as that consideration can be had in the Commerce Committee, and action taken on my bill by that committee, I will have no disposition whatever to object to going forward with the consideration of the whole subject in the Senate.

Mr. MALONEY. Mr. President, I am very much concerned about this bill, and my plight is to some extent the same as that of the Senator from Missouri. I was denied an opportunity of attending the particular meeting of the Commerce Committee to which he has referred. I, too, am anxious to go forward with this character of legislation. I do not know that it is in order, but I have a proposed amendment to the bill which has been introduced by the Senator from Kentucky, and, if it is in order, I should like to have it printed in the usual form, printed also in the RECORD and lie on the table for consideration in the event that the stream-pollution bill shall soon be considered.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from Connecticut will be received, printed in the usual form, printed in the RECORD, and lie on the table.

The amendment intended to be proposed by Mr. MALONEY is as follows:

Amendment intended to be proposed by Mr. MALONEY to the bill (S. 685) to create a Division of Water Pollution Control in the United States Public Health Service, and for other purposes, viz: On page 3, line 18, after "Sec. 3", insert "(a)"; and on page 3, after line 25, insert the following new subsection:

"(b) The Division, upon the request of any municipality, shall make a periodic test of the water at any bathing beach within the limits of such municipality and shall make a report to such municipality as promptly as possible with respect to the existence of water pollution at such bathing beach and shall make definite recommendations for the correction and elimination of any deleterious conditions which are found to exist."

Mr. BARKLEY. Mr. President, the status of this proposed legislation, as I have said heretofore, is as follows: In the last Congress I introduced a bill in the Senate and a Member of the House from Kentucky [Mr. Vinson] introduced a similar bill in the House. The House passed the Vinson bill. In the meantime, the then Senator from Connecticut, Mr. Lonerger, introduced a bill sponsored by the Izaak Walton League, with which we are all familiar, which is a sporting organization interested in recreation, fishing, shooting, and matters of that sort. The Vinson bill came to the Senate and was referred to the Committee on Commerce. The Lonerger bill and the bill introduced by the Senator from Missouri are practically the same and are sponsored by the same organization.

Hearings were had both in the House and the Senate committees on the proposed legislation. The House having passed the Vinson bill, the Senate committee reported that bill and, after long conferences and very earnest negotiations in the effort to arrive at a common basis which would result in some legislation, between the Senator from Connecticut, Mr. Lonerger, and myself, the bill passed the Senate with certain amendments.

The bill was then sent to conference and the conferees worked on it for weeks and weeks. Finally we got a bill upon which the then Senator from Connecticut, Mr. Lonerger, and I and others in the committee and in the Senate were able to agree upon. The bill passed the Congress, went to the White House, and was vetoed by the President on the ground that the provisions for appropriation to carry out the purposes of the act did not have to go through the Budget Bureau, and the President thought they ought to go through the Budget Bureau.

I introduced the bill again at the present session practically as written by the conferees eliminating the provision to which the President objected.

In view of the fact that committees of both the House and the Senate held hearings in the last Congress, and there is nothing new involved in the proposed legislation, the Committee on Commerce did not think it was necessary to hold additional hearings at the present session, and they reported, and there is now on the calendar, the bill which I introduced.

Last Friday, some days after the committee had reported the bill, the Senator from Missouri introduced his bill. I have no desire to cut off hearings or to deny to anybody the right to present a bill or to be heard upon it. I still entertain the views that I originally entertained, and I think the two Houses will concur in that view, that for the present it is impossible on this subject to pass legislation of a compulsory character, which resorts to injunctive process and prosecution in order to obtain the purification of streams. I think we have to make a beginning before we can arrive at the point where we can compel people to do anything under the act.

In order that the Senator may have a hearing on his bill before the committee, I have no desire today to press the consideration of this measure; but I insist that the hearings shall not be delayed, that they shall be held just as soon as the committee is willing to hold them, and that following the hearings the committee shall take prompt action.

Mr. CLARK of Missouri. Mr. President, so far as that is concerned, let me say to the Senator from Kentucky and the Senate that I am not in any position to make a commitment for the Commerce Committee. I am a member of the Commerce Committee, and I have said to the Senator from

Kentucky that I have no particular desire to delay action on this matter. On the other hand, my desire is exactly the contrary; but when the Senator says he insists that the Commerce Committee do certain things and limit their hearings to a certain length, I say to the Senator from Kentucky that neither he nor I have a right to insist what the Commerce Committee shall do.

Mr. BARKLEY. I am not attempting to control the actions of the Commerce Committee. I am not even a member of it; but in view of the history of this legislation, I think it is certainly within the proprieties to insist that there shall be no undue delay. That is a matter which is wholly within the province of the Committee on Commerce. I have every reason to suppose, and I believe, that the chairman of the committee will arrange for an early hearing on the Senator's bill, in order to give the sponsor of the legislation a chance to be heard. What I had in mind was that I do not wish the subject to be indefinitely postponed or delayed or dragged out, as it was in the last Congress, so that we shall be unable to secure the passage of legislation until the last days of the session, and have the bill go to the President after the Congress has adjourned.

Mr. CLARK of Missouri. So far as I am concerned, let me say that I am in favor of expediting the consideration of the subject in every possible way. I do not believe it has been expedited by the course which has been pursued here. For instance, while it was suggested that it is improper for the Senate to conduct hearings on the matter, the House committee has been going ahead and holding hearings on an identical measure. I am informed by the proponents of a drastic stream-pollution bill that they received very scant courtesy on the first day of the hearings in the House; that it seemed that nobody could be given a hearing before the committee other than persons who were industrialists interested in stream pollution, who were anxious to have a milder bill rather than a drastic bill to prevent stream pollution.

So far as I am concerned, I am willing to proceed at the first practicable moment; but I do not believe any purpose is to be served by trying to report a bill out of the Commerce Committee without hearings, and then to pass it through the Senate without the fullest and most extended debate.

Mr. BARKLEY. Mr. President, it has frequently happened in the Senate and in the House, as we all know, that when a committee has had hearings on a subject in one session of Congress it does not regard it necessary to go over the same ground again. I did not suggest that it was improper for the Senate committee to hold hearings. I did suggest that the committee did not feel that it was necessary. Neither I nor the committee could read the Senator's mind and know that 2 weeks or 10 days after they reported the bill which I introduced he was coming here with another bill. There is nothing irregular or improper in the course which the committee took.

Mr. CLARK of Missouri. Mr. President, I am not criticizing the committee in any degree, except that I do think it is unusual for a bill of this importance to be taken up without notice to members that it is to be taken up. The Senator from Connecticut and I, both members of the committee, were necessarily absent on other business and were not present. We are both very much interested in this measure. We had no opportunity to call up the committee and ask to have the bill postponed until we could be present. I see nothing whatever unreasonable in asking that this matter be passed over in the Senate for the present until there can be an opportunity for consideration of the whole subject in the Commerce Committee.

Mr. BARKLEY. I am in sympathy with that request. What I am interested in is giving the Senator and his associates a chance to be heard at an early date. I have no doubt the committee will arrange such a hearing; but in view of what occurred in the last Congress and the difficulty of arriving at an agreement on any measure at all, I urge, and even insist, that this matter be expedited and that there be no delay.

Mr. McNARY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Oregon?

Mr. BARKLEY. I yield to the Senator.

Mr. McNARY. I have only a word of comment. The able Senator from Missouri said he had no notice of the meeting. In the absence of the eminent chairman of the committee, the Senator from North Carolina [Mr. BAILEY], I desire to say, in fairness to him, that notice was given to all the members of the committee. At least, I received a notice that the committee would consider the stream-pollution bill introduced by our leader, the Senator from Kentucky.

I make that statement only in view of the one which was made by the Senator from Missouri, because I am sure the Senator from North Carolina complied with the rule, and gave notice of the hearings.

Mr. CLARK of Missouri. Mr. President, I hope no Senator or anyone else will think I was accusing the chairman of the Commerce Committee of taking snap judgment. It was necessary for me to be absent from the city for a couple of days, and possibly the notice was given on the day before the meeting was called; but certainly no general notice was given that this measure was to be called up for consideration. I would not under any consideration be understood as suggesting or intimating or believing that the chairman of the committee, the Senator from North Carolina [Mr. BAILEY], would ever, under any circumstances, take advantage of any member of the committee or of anybody else.

Mr. BARKLEY. I do not know what the custom is in the Committee on Commerce, but I am sure it is the same that it is in all other committees. When notices are sent out for a meeting, the notice contains a notation as to the bill which will be considered.

It is useless to discuss this matter further. The bill is going over for the time being. I hope the Senator from Missouri will cooperate, as he has assured me he will, and as I believe he will, to bring about at the very earliest date the hearing which he desires.

The PRESIDING OFFICER. The bill will be passed over.

COL. RICHARD C. PATTERSON

The Senate proceeded to consider the bill (S. 439) to confer the Distinguished Service Medal on Col. Richard C. Patterson, which was read, as follows:

Be it enacted, etc., That the President is hereby authorized to present a Distinguished Service Medal to Richard C. Patterson, colonel in the Military Intelligence Reserve Corps, for extraordinary achievements in connection with his services as administrative officer for the American Commission to Negotiate Peace as set out in letter addressed to The Adjutant General at Washington, D. C., on July 14, 1919, and signed by Robert Lansing, Henry White, and Tasker H. Bliss.

Mr. CLARK of Missouri. Mr. President, I shall not object to the consideration of this bill, because it happens that Colonel Patterson is a friend of mine, now rendering distinguished service as Assistant Secretary of Commerce. Before the bill passes, however, I wish to say that I hope it may never in the future be taken as a precedent for the decoration of a man in the military service for services having no connection whatever with the military service, performed entirely after the armistice, as a sort of liaison man in connection with the peace conference.

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

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

JOINT RESOLUTION AND BILL PASSED OVER

The joint resolution (S. J. Res. 45) to amend the act of July 3, 1926, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes," was announced as next in order.

Mr. KING. Mr. President, there are on the calendar a number of measures dealing with Indian claims. I have conferred with the chairman of the Indian Affairs Committee regarding them. I am seeking some additional information

relative to a number of the claims; and I desire that they may be passed over.

The PRESIDING OFFICER. The Senator desires to have Senate Joint Resolution 45 passed over?

Mr. KING. I do.

The PRESIDING OFFICER. The joint resolution will be passed over. The next measure on the calendar, Senate bill 863, will also be passed over.

Mr. McNARY. Mr. President, I have no interest in these matters, but Senate bill 863 provides for the payment of attorneys' fees, and not for the presentation of a claim to the Court of Claims.

Mr. KING. I understand that; but I desire to make some inquiry concerning the bill.

The PRESIDING OFFICER. Senate bill 863 will be passed over.

HARRY F. BAKER

The bill (S. 749) for the relief of Harry F. Baker 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 is hereby authorized and directed to credit the accounts of Harry F. Baker, of Rockland, Del., in the sum of \$601.19, said amount representing payments made to Harry F. Baker for services rendered as postmaster while also holding an appointment with the Federal Housing Administration in contravention of the dual compensation statutes.

COHEN, GOLDMAN & CO., INC.

The Senate proceeded to consider the bill (S. 1374) for the relief of Cohen, Goldman & Co., Inc., which had been reported from the Committee on Claims with an amendment at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Cohen, Goldman & Co., Inc., the sum of \$19,030.20, in full settlement of all claims against the Government growing out of contracts Nos. 1325, 1645, 2299, 3220, and 4519N, and contracts supplementary thereto, for the manufacture during 1917 and 1918 of overcoats and uniforms for the United States Army: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, 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.

BILLS PASSED OVER

The bill (S. 783) to amend the act, as amended, entitled "An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States," approved February 7, 1925, was announced as next in order.

Mr. KING. Mr. President, a number of measures have now been reached on the calendar which come within the classification to which I have referred.

The PRESIDING OFFICER. Senate bill 783 is one of them?

Mr. KING. Senate bill 783, Senate bill 784, Senate bill 790, Senate bill 1222, Senate bill 767, Senate bill 864, Senate bill 962, and Senate bill 498. That comprises the list for the moment.

The PRESIDING OFFICER. The bills enumerated by the Senator from Utah with be passed over.

Mr. CAPPER. Mr. President, did the Senator from Utah object to the consideration of Senate bill 790?

Mr. KING. Yes, Mr. President; I objected to that bill.

WAPATO SCHOOL DISTRICT 54, YAKIMA COUNTY, WASH.

The bill (S. 645) 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.

BILLS PASSED OVER

The bill (H. R. 3790) relating to taxation of the compensation of public officers and employees was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 752) to amend section 78 of chapter 231, Thirty-sixth United States Statutes at Large (36 Stat. L., sec. 1109), relating to one judicial district to be known as the district of Idaho, and dividing it into four divisions to be known as the northern, central, southern, and eastern divisions, defining the territory embraced in said divisions, fixing the terms of district court for said divisions, requiring the clerk of the court to maintain an office in charge of himself or deputy at Coeur d'Alene City, Idaho; Moscow, Idaho; Boise City, Idaho; and Pocatello, Idaho; and to authorize the United States District Court for the District of Idaho, by rule or order, to make such changes in the description or names to conform to such changes of description or names of counties in said divisions as the Legislature of Idaho may hereafter make was announced as next in order.

Mr. McNARY. Mr. President, I think some explanation should be made of this bill.

The PRESIDING OFFICER. The bill will be passed over.

GEORGE A. ROGERS

The Senate proceeded to consider the bill (S. 811) for the relief of George A. Rogers, which had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "\$436.90" and to insert "\$278.90", and to insert a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George A. Rogers, of Bellingham, Wash., the sum of \$278.90, in full satisfaction of his claim against the United States for expenses incurred as a result of an accident involving a Government truck operated in connection with the Civilian Conservation Corps, at the intersection of Maple and Jersey Streets, Bellingham, Wash., on March 27, 1938: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

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

IDA A. DEAVER

The Senate proceeded to consider the bill (S. 661) for the relief of Ida A. Deaver, which had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "\$109.17" and insert "\$109.37"; on line 7, after the words "United States", to strike out the words "for the amount deposited in the Treasury of the United States because of the disallowances by the General Accounting Office of certain payments made to members of the Sac and Fox Tribe in Oklahoma, while he was superintendent and special disbursing agent of the Shawnee Agency at Shawnee, Okla.: *Provided,* That any funds accruing in the future to Noble Brown, Mabel Couteau, Horace Lasley, Harry G. Wakole, Ambrose Harrison, Thelma McCoy, or their estates shall be used to reimburse the United States for each pro rata share

of the expenditure herein authorized" and to insert "for the amount deposited in the Treasury of the United States because of the disallowances by the General Accounting Office of certain payments made to members of the Sac and Fox Tribe in Oklahoma while he was superintendent and special disbursing agent of the Shawnee Agency at Shawnee, Okla.: *Provided*, That any funds accruing in the future to Noble Brown, Mabel Couteau, Horace Lasley, Harry G. Wakole, Ambrose Harrison, Thelma McCoy, or their estates shall be used to reimburse the United States for each pro rata share of the expenditure herein authorized: *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", 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 Ida A. Deaver, widow of Ira C. Deaver, the sum of \$109.37 in full payment of all claims against the United States for the amount deposited in the Treasury of the United States because of the disallowances by the General Accounting Office of certain payments made to members of the Sac and Fox Tribe in Oklahoma while he was superintendent and special disbursing agent of the Shawnee Agency at Shawnee, Okla.: *Provided*, That any funds accruing in the future to Noble Brown, Mabel Couteau, Horace Lasley, Harry G. Wakole, Ambrose Harrison, Thelma McCoy, or their estates shall be used to reimburse the United States for each pro rata share of the expenditure herein authorized: *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 amendments were agreed to.

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

PRISON-MADE GOODS

The joint resolution (S. J. Res. 59) authorizing the Bureau of Labor Statistics to collect information as to amount and value of all goods produced in State and Federal prisons was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That for the purpose of furnishing information to the Congress regarding the amount of goods produced in State and Federal prisons the Bureau of Labor Statistics of the United States Department of Labor is authorized and directed to collect information concerning the amount and value of all goods produced in State and Federal prisons, showing separately the amount and value of goods produced under the State-use, State-account, contract, and piece-price systems.

For the purpose of making this study there is hereby authorized to be appropriated from any money in the Treasury not otherwise appropriated the sum of \$20,000. The Commissioner of Labor Statistics is directed to submit the report to the Congress on or before May 1, 1940.

FARM ACREAGE ALLOTMENTS

The Senate proceeded to consider the bill (S. 1363) to amend subsection (4) of subsection (c) of section 101 of the Agricultural Adjustment Act of 1938, which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and to insert the following:

That subsection (4) of subsection (c) of section 101 of the Agricultural Adjustment Act of 1938, which reads as follows:

"(4) Notwithstanding any other provision of this subsection, if, for any reason other than flood or drought, the acreage of wheat, cotton, corn, or rice planted on the farm is less than 80 percent of the farm acreage allotment for such commodity for the purpose of payment, such farm acreage allotment shall be 25 percent in excess of such planted acreage";

is hereby repealed.

Mr. McNARY. Mr. President, I should like to have the able Senator from Alabama [Mr. BANKHEAD] explain the bill.

Mr. BANKHEAD. If the Senator will turn to the report contained in his file, he will find the section of the present

law which the bill would repeal. I read the section for the convenience of the Senate:

(4) Notwithstanding any other provision of this subsection, if, for any reason other than flood or drought, the acreage of wheat, cotton, corn, or rice planted on the farm is less than 80 percent of the farm acreage allotment for such commodity for the purpose of payment, such farm acreage allotment shall be 25 percent in excess of such planted acreage.

No one has been able to explain just how that got into the act, but it resulted in a penalty in the payments to those who did not plant at least 80 percent of their allotments.

Mr. McNARY. Is the amendment similar to one offered by the Senator from Oklahoma [Mr. LEE] last week?

Mr. BANKHEAD. No; that is a different matter. This amendment is generally agreed to. I first offered it to cover cotton only, because I did not want to bring the other commodities in. No one wants the provision in the act. It merely compels the farmers to plant whether they want to or not.

Mr. McNARY. I agree with the philosophy of the amendment. What I wanted to know was whether it refers only to cotton.

Mr. BANKHEAD. It did.

Mr. McNARY. But now it refers to other commodities mentioned in the Agricultural Adjustment Act.

Mr. BANKHEAD. That was at the request of the representatives of the other commodities.

Mr. McNARY. They have requested that they be included?

Mr. BANKHEAD. Yes.

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

The amendment was agreed to.

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

The PRESIDING OFFICER. The Chair suggests that the title be amended by striking out the word "amend" and substituting the word "repeal."

Mr. BANKHEAD. I ask that that amendment be made.

The title was amended so as to read: "A bill to repeal subsection (4) of subsection (c) of section 101 of the Agricultural Adjustment Act of 1938."

NEUTRALITY

Mr. KING. Mr. President, there has been considerable discussion concerning the so-called Neutrality Act, which was passed at the last session of Congress. I note by the press that even the administration is now opposed to the law and favors its repeal or modification.

At the last session of Congress, immediately after the enactment of the law—and I voted against the law—I introduced a bill providing for repeal of the Neutrality Act, but I could not secure favorable action from the committee to which it was referred.

Mr. McNARY. To what bill is the Senator referring?

Mr. KING. To a bill to repeal the Neutrality Act.

Mr. McNARY. Is it on the calendar?

Mr. KING. Oh, no. Because I could see that the measure would perhaps result in international complications—at any rate, that it was not suitable in the situation—I introduced a bill on the 4th day of January for the repeal of the act. I understand that other bills have more recently been introduced to accomplish the same result, and I sincerely hope that the Committee on Foreign Relations will take up one of the bills before it and report a measure repealing the Neutrality Act.

CROP INSURANCE

Mr. WHEELER. Mr. President, I ask unanimous consent for the immediate consideration of Senate bill 1098, a bill which I introduced for the purpose of permitting the Department of Agriculture to make advances for crop insurance in the drought-stricken areas.

The PRESIDING OFFICER. The clerk will report the bill by title.

The CHIEF CLERK. To amend section 12 of the Soil Conservation and Domestic Allotment Act, as amended, by authorizing advances for crop insurance.

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

Mr. McNARY. Mr. President, it has been a policy on my part to object to the consideration of bills which have not been placed on the calendar and to ask that they go over for a day so that proper consideration and study can be given them. Of course, there are always exceptions to rules, in case of emergency, or where money is already appropriated and a policy is being carried out, and a law has been heretofore placed upon the statute books.

I should like to have an explanation of the bill and a statement of the reason why it is being called up at this time. It has not received consideration by the committee. Before I give consent I should like to know what is the general purpose and aim of the proposal.

Mr. WHEELER. Mr. President, the bill is being called up at this particular time because if the farmers in the drought-stricken areas are to derive any benefit from the bill at all it will have to be passed at an early date. It provides that the Department of Agriculture may make advances for crop insurance. The Department says the measure will not cost the Government a 5-cent piece, and the Bureau of the Budget reports likewise. I will read the letter from the Department of Agriculture with reference to the measure.

Mr. McNARY. Mr. President, I recall that when we had before us the A. A. Act the then Senator from Idaho, Mr. Pope, offered this insurance plan.

Mr. WHEELER. That is correct.

Mr. McNARY. Which I supported. I have always believed in crop insurance, and had a bill before the Senate for a good many years making provision for crop insurance. Was this an inadvertent omission from the bill we had before us?

Mr. WHEELER. I understand it was an inadvertent omission from the bill. It does not change the present law at all, except in permitting the Department to make loans in the drought-stricken areas for the payment of premiums. The Department says:

The amendment proposes to give authority for the making of advances to producers to be used in payment of the premiums on insurance taken with the Federal Crop Insurance Corporation. We understand that the advances are to be paid to the Corporation for the account of the producer, and such advances would be limited to producers who are participating, or who agree to participate, in the agricultural conservation program. We understand also that such advances could be made prior to determination of the exact amount of the conservation payment and need not be considered as an advance against any particular payment but might be a charge against payments due the producer under any program administered by the Secretary of Agriculture. The proposed amendment would make the existing appropriation available for advances.

This amendment would greatly increase the effectiveness of the crop insurance program by providing a needed source of credit for farmers who have neither wheat nor cash available for the payment of premiums.

The Department favors enactment of the bill.

Upon reference of this matter to the Bureau of the Budget, as required by Budget Circular 344, the Acting Director thereof advised the Department of Agriculture under date of February 27, 1939, that "there would be no objection to the submission of such report to Congress, subject to the understanding that the Bureau of the Budget makes no commitment as to the relationship of this proposal to the program of the President, and, further, that the proposed amendment would not, per se, increase the total cost of the farm program beyond the \$500,000,000 present authorization."

There will be no additional cost at all to the Government. The bill was reported from the committee earlier today.

Mr. McNARY. The application of the measure is limited to the drought-stricken areas. It would extend credit to carry out the terms of the Crop Insurance Act?

Mr. WHEELER. That is the purpose of the bill.

Mr. McNARY. With that statement, I have no objection.

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

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

Be it enacted, etc., That section 12 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by designating the existing provisions of said section 12 as subsection (a) and by adding at the end thereof the following new subsection (b):

"The Secretary is authorized to make advances to producers for the purpose of assisting them to insure their crops with the Federal Crop Insurance Corporation. The Secretary shall remit the

amount of any such advances to a producer directly to such Corporation in payment of the premium on the insurance for which the producer has made application. Advances shall only be made to producers who are participating or who agree to participate in a program formulated pursuant to section 8. Except as otherwise provided in this subsection, the terms and conditions of such advances shall be fixed by the Secretary. The appropriation made in the Department of Agriculture Appropriation Act, fiscal year 1939, under the item entitled 'Conservation and Use of Agricultural Land Resources, Department of Agriculture,' shall be available during the fiscal year 1939 for advances authorized by this subsection."

JOE PIZL, SR.

The bill (S. 810) for the relief of Joe Pizl, Sr., 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 Joe Pizl, Sr., rural route, Antigo, Wis., the sum of \$161.80, in full satisfaction of a judgment for damages to his automobile, including court costs and costs of transcript, secured October 4, 1937, in the Municipal Court of Langlade County, Wis., against Robert Hess, driver of a truck belonging to the Forest Service, which was being operated in connection with the Civilian Conservation Corps, said Government truck having collided on March 16, 1936, with a car owned by said Joe Pizl, Sr.: *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.

BILL PASSED OVER

The bill (S. 572) to provide for the common defense by acquiring stocks of strategic and critical raw materials, concentrates, and alloys essential to the needs of industry for the manufacture of supplies for the armed forces and the civilian population in time of a national emergency, and for other purposes, was announced as next in order.

Mr. FRAZIER. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

DECORATION OF CIVIL-SERVICE EMPLOYEES

The bill (S. 1582) to authorize the President to bestow a Meritorious Service Medal upon civil-service officers and employees of the United States, 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.

The bill (S. 281) to amend further the Civil Service Retirement Act, approved May 29, 1930, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. NEELY subsequently said: Mr. President, I was called from the floor for a moment, and during my absence the Senate passed over Senate bill 281, to amend further the Civil Service Retirement Act, approved May 29, 1930. May I inquire what the status of that bill now is?

The PRESIDING OFFICER. The bill was passed over on objection of the Senator from Utah [Mr. KING].

Mr. NEELY. I give notice now that on the next calendar day I propose to make a vigorous effort to have that bill passed; and, if it cannot be taken up by unanimous consent or in the absence of objection, I shall under proper parliamentary provision move that the Senate proceed to its consideration.

BILL PASSED OVER

The bill (S. 1464) to extend the facilities of the United States Public Health Service to active officers of the Foreign Service of the United States was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

LOFTS & SON

The bill (S. 270) for the relief of Loft & Son 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 Loft & Son, of Hood River,

Oreg., the sum of \$33,500 in full satisfaction of all its claims against the United States for damages resulting from the loss of its sand and gravel plant at the mouth of the Hood River and its inability to further carry on the operations of removing sand and gravel on land now leased from the Oregon Lumber Co. because such land will be flooded by the backwaters of the Bonneville Dam: *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.

F. E. PERKINS

The bill (S. 1517) for the relief of F. E. Perkins 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 appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,418.82, which sum of \$3,418.82 shall be credited by the Secretary of the Treasury to the official trust-fund checking account of F. E. Perkins, symbol 89-463, former superintendent of the Shawnee Indian Agency, Shawnee, Okla., with the Treasurer of the United States, to cover a net shortage of trust and official funds, representing funds of individual Indians, \$3,402.32, and fees collected pursuant to the act of February 14, 1920 (41 Stat. 415), as amended by the act of March 1, 1933 (47 Stat. 1417), \$16.50, caused by the peculations of Joseph A. Pourier, former employee of that agency.

WORTH GALLAHER

The Senate proceeded to consider the bill (S. 793) for the relief of Worth Gallaher, which had been reported from the Committee on Claims with an amendment, on page 2, line 2, after the word "have", to strike out "occurred" and to insert "been incurred", 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, and as limited by the act of February 15, 1934 (48 Stat. 351), the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of Worth Gallaher, of Knox County, Tenn., for disability alleged to have been incurred by him while enrolled in the Civilian Conservation Corps, Camp 1458, Gatlinburg, Tenn.: *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.

ESTATE OF O. K. HIMLEY

The Senate proceeded to consider the bill (S. 421) for the relief of the estate of O. K. Himley, which had been reported from the Committee on Claims with an amendment to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of O. K. Himley, late of Crawford County, Wis., the sum of \$80 in full satisfaction of its claim against the United States for damages arising out of the loss of two cows belonging to such estate that were drowned on or about February 13, 1934, as a result of work done on the Himley farm, without permission of the owners, by employees of the Civil Works Administration in carrying out a Civil Works Administration project: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

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

The PRESIDING OFFICER. The Senator from Nebraska [Mr. BURKE] reported the bill.

Mr. McKELLAR. I see that the bill involves only \$80. I shall not ask that time be taken for an explanation.

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

The amendment was agreed to.

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

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 902) to amend the act entitled "An act authorizing the temporary detail of United States employees, possessing special qualifications, to governments of American republics and the Philippines, and for other purposes," approved May 25, 1938, was announced as next in order.

Mr. KING. Mr. President, I should like an explanation of the bill. As a matter of fact, we have so many employees in the State Department it seems to me there is no necessity for making further appointments. If we cannot have an explanation of the bill at the moment, I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 46) authorizing appropriation for expenses of a representative of the United States and of his assistants, and for one-half of the joint expenses of this Government and the Government of Mexico, in giving effect to the agreement of November 9-12, 1938, between the two Governments providing for the settlement of American claims for damages resulting from expropriations of agrarian properties since August 30, 1927, was announced as next in order.

Mr. KING. Mr. President, I should like an explanation of the joint resolution merely because the Mexican Government in the past, and at present, has caused a great deal of trouble in the matter of damaging property and expropriating it.

The PRESIDING OFFICER. The bill was reported by the Senator from Texas [Mr. CONNALLY].

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 95) 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. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

CHESTER J. BABCOCK

The bill (S. 1357) for the relief of Chester J. Babcock was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of section 6 of the Civil Service Retirement Act, approved May 29, 1930, the Civil Service Commission is authorized and directed to extend the benefits of such section to Chester J. Babcock, formerly an employee at the United States Naval Ammunition Depot, Iona Island, N. Y., in the same manner and to the same extent as if application had been made within 3 months after the effective date of such act of May 29, 1930. The application of the said Chester J. Babcock for the benefits of such act of May 29, 1930, shall be filed within 3 months from the date of the approval of this act.

PROHIBITION OF REPRODUCTION OF OFFICIAL BADGES AND OTHER INSIGNIA

The Senate proceeded to consider the bill (S. 1281) to prohibit reproduction of official badges, identification cards, and other insignia, which was read, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to prohibit the misuse of official insignia," approved on June 29, 1932 (47 Stat. 342; U. S. C., title 18, sec. 76a), be amended to read as follows:

"That hereafter the manufacture, sale, or possession of any badge, identification card, or other insignia, of the design prescribed by the head of any department or independent office of the United States for use by any officer or subordinate thereof, or of any colorable imitation thereof, or the photographing, printing, or in any other manner making or executing any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or of any colorable imitation thereof, is prohibited, except when and as authorized under such regulations as may be prescribed by the head of the department or independent office of which such insignia indicates the wearer is an officer or subordinate."

Mr. CLARK of Missouri. Mr. President, may we have an explanation of that measure?

Mr. ASHURST. Mr. President, in reply to the inquiry of the able Senator from Missouri, I now read from a report of the Attorney General, dated February 7, 1939:

Existing law prohibits the unauthorized manufacture, sale, or possession of official badges, identification cards, or other insignia. It does not comprehend, however, the reproduction of photographs, engravings, or other likenesses of official badges in periodicals or other similar publications. Such reproductions are highly undesirable as they at times enable unauthorized persons to counterfeit such badges, etc. I have in mind more particularly the reproductions of the badges and identification cards of the Federal Bureau of Investigation, which, in the interest of the public, must be safeguarded against counterfeiting by imposters and other unauthorized individuals.

With that end in view, I recommend the enactment of the enclosed proposed bill drafted in the Department of Justice, to extend the prohibitions contained in the above-mentioned statute to photographing, printing, or otherwise reproducing the likeness of any official badge or identification card or other insignia.

Mr. CLARK of Missouri. Mr. President, let me say, if the Senator will permit, that I have no objection whatever to the bill. I am deeply in sympathy with the purposes sought to be achieved by the bill. The reason I asked for an explanation was that I was hopeful that the bill might go far enough to prevent the wearing of uniforms and the display of insignia of other nations, so as to prevent such situations as the recent disgraceful exhibition which took place in New York on the part of the German bund.

Mr. ASHURST. I thank the Senator from Missouri for his suggestion.

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

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

JOHN H. BARRY

The Senate proceeded to consider the bill (S. 827) for the relief of John H. Barry, which was read, as follows:

Be it enacted, etc., That notwithstanding the provisions of so much of section 6 of the Civil Service Retirement Act of May 29, 1930, as amended, as provides that no claim for a disability retirement annuity under such section shall be allowed unless the application therefor is executed prior to the applicant's separation from the service or within 6 months thereafter, the Civil Service Commission is authorized and directed to (1) consider upon its merits the application for a disability retirement annuity under such section executed on November 5, 1937, by John H. Barry, formerly employed as a mail carrier at the Worcester, Mass., post office, and (2) award such annuity, if any, to said John H. Barry as he would be entitled to if timely application therefor had been made.

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

Mr. FRAZIER. Mr. President, the bill was considered by the Committee on Civil Service, and, on behalf of the committee, I favorably reported the bill. John H. Barry was a letter carrier in the city of Worcester, Mass., and while serving in that capacity he was stricken with a mental disability and had to resign; and because of his mental condition he did not file his application for disability retirement in the required 6 months. He is in great need of assistance, and a letter from the Civil Service Commission recommends favorable action upon the bill. I think it is a most worthy measure.

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

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

BILL PASSED OVER

The bill (S. 840) to amend and clarify the provisions of the act of June 15, 1936 (49 Stat. 1507), and for other purposes, was announced as next in order.

Mr. ADAMS. Mr. President, I wish to make an inquiry of the Senator from Texas [Mr. SHEPPARD]. There seems to be an unusual provision in the bill directing the Comptroller General to allow claims which he has heretofore disallowed; that is, we are now proposing to change the law so that in the future certain types of claims may be properly allowed. The provision reaches back and requires the allowance of claims which were legally and properly disallowed

heretofore, without any limit as to the time or without any limit as to amount.

Mr. SHEPPARD. Mr. President, let the bill go over until I can look into that phase of the matter.

The PRESIDING OFFICER. The bill will be passed over.

ADDITION OF LANDS TO SHENANDOAH NATIONAL PARK

The bill (S. 509) to add certain lands of the Front Royal Quartermaster Depot Military Reservation, Va., to the Shenandoah National Park, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the following-described lands of the Front Royal Quartermaster Depot Military Reservation, Va., are hereby made a part of the Shenandoah National Park, subject to all laws and regulations applicable thereto: Beginning at concrete monument numbered 10 in the boundary line of the Front Royal Quartermaster Depot, and running thence along said boundary line, north 70 degrees 00 minutes west 3,465.0 feet to monument numbered 11, thence north 40 degrees 30 minutes west 1,881.0 feet to monument numbered 12, thence north 2 degrees 00 minutes west 792.0 feet to monument numbered 13, thence north 78 degrees 00 minutes west 693.0 feet to monument numbered 14, thence south 1 degree 30 minutes west 379.5 feet to monument numbered 15, thence south 61 degrees 15 minutes west 2,244.0 feet to monument numbered 16, thence south 16 degrees 00 minutes east 2,640.0 feet to monument numbered 17, thence south 61 degrees 15 minutes west 3,333.0 feet to monument numbered 18, thence south 15 degrees 00 minutes east 646.8 feet to monument numbered 19, thence south 63 degrees 00 minutes west 627.0 feet to monument numbered 20, thence south 15 degrees 00 minutes west 1,254.0 feet to monument numbered 21, thence south 48 degrees 00 minutes east 3,267.0 feet to monument numbered 22, thence north 34 degrees 00 minutes east 297.0 feet to monument numbered 23, thence north 25 degrees 00 minutes west 1,551.0 feet to monument numbered 24, thence north 67 degrees 00 minutes east 1,716.0 feet to monument numbered 25, thence north 58 degrees 00 minutes east to 2,862.75 feet to monument numbered 26, thence north 79 degrees 00 minutes east 2,377.15 feet to monument numbered 27, thence south 28 degrees 30 minutes west 338.25 feet to monument numbered 28 (offset 4 feet west), thence south 30 degrees 00 minutes west 462.0 feet to monument numbered 29 (offset 14 feet east), thence south 40 degrees 00 minutes west 396.0 feet to monument numbered 30 (offset 9.0 feet east), thence south 54 degrees 00 minutes west 132.0 feet to monument numbered 31 (offset 10.0 feet east), thence south 75 degrees 00 minutes west 429.0 feet to monument numbered 32, thence south 62 degrees 00 minutes west 297.0 feet to monument numbered 33 (offset 3.0 feet southeast), thence south 41 degrees 00 minutes west 462.0 feet to monument numbered 34 (offset 5.0 feet south), thence south 53 degrees 00 minutes west 264.0 feet to monument numbered 35 (offset 4 feet south), thence south 80 degrees 00 minutes west 165.0 feet to monument numbered 36 (offset 8.0 feet south), thence north 85 degrees 00 minutes west 396.0 feet to monument numbered 37 (offset 9.0 feet north), south 40 degrees 00 minutes west 354.75 feet to monument numbered 38, thence south 27 degrees 00 minutes east 1,023.0 feet to monument numbered 39, thence north 73 degrees 30 minutes east, 1,518.0 feet to monument numbered 40, thence north 52 degrees 00 minutes east 330.0 feet to monument numbered 41, thence along a proposed boundary line north 19 degrees 51 minutes east 1,684.5 feet to point A.1, thence north 52 degrees 20 minutes east 1,107.0 feet to point A.2, thence north 39 degrees 26 minutes east 717.5 feet to a point A.3, thence north 26 degrees 11 minutes east 1,978.0 feet to concrete monument numbered 10, the point of beginning, it being the intent of this act to add to the Shenandoah National Park all that portion of the Front Royal Quartermaster Depot Military Reservation lying west of a line between monuments numbered 41 and 10, as described by the last four courses of the above description. The tract as described contains an area 977½ acres, more or less.

DECORATION OF SGT. FRED W. STOCKHAM, DECEASED

The Senate proceeded to consider the joint resolution (S. J. Res. 2) providing for consideration of a recommendation for decoration of Sgt. Fred W. Stockham, deceased, which was read, as follows:

Whereas on the nights of June 13-14, 1918, at Belleau Woods, Fred W. Stockham, deceased, formerly a gunnery sergeant, United States Marine Corps, in action involving actual conflict with the enemy, distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty; and

Whereas a citation citing said Fred W. Stockham for the extraordinary heroism displayed by him at such time was written but, through accident, was not published and is not recorded in the War Department; and

Whereas no decoration has been awarded to said Fred W. Stockham for the extraordinary heroism displayed by him at such time: Therefore be it

Resolved, etc., That any recommendation for decoration by the United States of America of Fred W. Stockham, deceased, formerly a gunnery sergeant, Ninety-sixth Company, Second Battalion,

Sixth Division, United States Marine Corps, shall be considered and acted upon in the same manner as such recommendation would have been considered and acted upon if it had been pending on May 26, 1928.

Mr. KING. Mr. President, I understand that there has been an adverse report by the Department on the bill.

Mr. CLARK of Missouri. Mr. President, I will say to the Senator from Utah that there was an adverse report from the War Department, based purely on technical grounds, to the effect that an act had been passed some time ago limiting the consideration of matters of decoration, and purely as a technical matter they objected. I can say to the Senator from Utah that the case is an extremely meritorious one. A veteran sergeant in the Marine Corps during the battle of Belleau Woods—I may say that he was serving in the battalion which was then commanded by General Holcomb, now Commandant of the Marine Corps—took off his gas mask and gave it to a younger soldier for the purpose of saving the younger soldier's life, but thereby losing his own.

I have a letter from the company commander saying that he had recommended the sergeant for citation, but that the company and battalion had been decimated in that engagement, and apparently the recommendation was lost.

While on technical grounds, Mr. President, there is an adverse recommendation from the War Department, I do not believe that a more meritorious case, a case justifying the suspending of the rules, and allowing the decoration in question to be issued in behalf of the deceased soldier, could possibly come before this body.

Mr. KING. I have no objection.

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

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

The preamble was agreed to.

DOLORES P. DE WILLIAMSON

The bill (S. 511) for the relief of Dolores P. de Williamson 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 Dolores P. de Williamson the sum of \$3,500, in satisfaction of all claims against the United States on account of the death of her husband, Ernesto Williamson, a citizen of Panama, as a result of a collision on April 30, 1937, between a United States Army truck and an automobile in which he was riding, near Bejuco, Republic of Panama.

BILL PASSED OVER

The bill (S. 454) for the relief of Ernest S. Frazier was announced as next in order.

Mr. McKELLAR. Mr. President, I think we should have an explanation of that bill. It is a remarkable bill which changes the record.

The PRESIDING OFFICER. The bill was reported by the Senator from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. In this case, after an investigation, the War Department changed the comment it had placed on the man's discharge, reflecting upon his character and physical condition, but they did not also change the incorrect record on which that discharge was based. In that incorrect record the Department said he was illiterate and degenerate, a comment which ought not to be placed against any man unless there is ample justification for it.

Mr. McKELLAR. It is very difficult for the Congress to undertake to change the records of the War Department.

Mr. SHEPPARD. The War Department changed its own records, in part.

Mr. McKELLAR. A similar bill passed Congress once before and the President vetoed it. It seems to me we ought not to pass another such bill and send it to the President.

Mr. SHEPPARD. I respectfully submit that the President was in error in vetoing the bill. The War Department had cleared the man's discharge, but did not clear the record on which was based the language in the discharge which it removed.

Mr. McKELLAR. I call the Senator's attention to the report on the first bill from the War Department:

For the reasons set forth in the foregoing, the War Department is strongly opposed to the enactment of the proposed legislation.

Thereafter that bill was vetoed. Now, in response to a Senator's request for the opinion of the Department on this bill, the Secretary says:

After reconsideration of the entire matter, the War Department adheres to the view expressed in its previous report, quoted in the foregoing, and recommends that S. 454 be not enacted into law.

Mr. SHEPPARD. Mr. President, after reconsideration of the entire matter, I ask the Senate, in its judgment and out of its own sense of justice, again to pass the bill. The record stated that the man was illiterate and degenerate. I know him personally, and I know that statement to be untrue. I know further that the War Department did make partial correction.

Let the bill go over until the Senator from Tennessee has had an opportunity to look into it further.

The PRESIDING OFFICER. The bill will be passed over.

ACCEPTANCE OF MEDALS, ORDERS, AND DECORATIONS

The Senate proceeded to consider the bill (S. 510) to authorize certain officers and enlisted men 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, which was read, as follows:

Be it enacted, etc., That the following-named officers and enlisted men of the United States Army are hereby authorized to accept such medals, orders, and decorations, as have been tendered them by foreign governments in appreciation of services rendered:

Brig. Gen. Charles Burnett; Brig. Gen. Leigh C. Fairbank; Col. Lester D. Baker; Col. Albert Gilmor; Col. Martin C. Shallenberger; Col. Rodney H. Smith; Col. Edwin M. Watson; Col. F. Langley Whitley; Lt. Col. Edward M. Almond; Lt. Col. John B. Coulter; Lt. Col. Louis A. Craig; Lt. Col. Howard C. Davidson; Lt. Col. John F. Davis; Lt. Col. Norman E. Fiske; Lt. Col. Henry B. Lewis; Lt. Col. John E. McMahon; Lt. Col. Burton Y. Read; Lt. Col. William R. Schmidt; Lt. Col. John Andrew Weeks; Lt. Col. Lawrence B. Weeks; Lt. Col. John S. Winslow; Maj. Charles Y. Banfill; Maj. Robert E. Cummings; Maj. Harold L. George; Maj. Samuel A. Greenwell; Maj. Gustav B. Guenther; Maj. Caleb V. Haynes; Maj. William D. Henthall; Maj. Vincent J. Meloy; Maj. Lawrence C. Mitchell; Maj. Wilton B. Persons; Maj. Lowell M. Riley; Maj. Horace B. Smith; Capt. Mark M. Boatner, Jr.; Capt. Malin Craig, Jr.; Capt. Townsend Griffiss; Capt. Alva L. Harvey; Capt. George Honnen; Capt. Ford J. Lauer; Capt. Carl B. McDaniel; Capt. Daniel J. Martin; Capt. William A. Matheny; Capt. Floyd L. Parks; Capt. George W. Read, Jr.; Capt. Harry McK. Roper; Capt. Thomas D. White; First Lt. William C. Bentley, Jr.; First Lt. John A. Cleveland, Jr.; First Lt. Richard S. Freeman; First Lt. Frederic E. Glantzberg; First Lt. Curtis E. LeMay; First Lt. Edwin L. Tucker; First Lt. Torgils G. Wold; Second Lt. Edwin Nevil Howell; Second Lt. Lawrence A. Spilman; Second Lt. James H. Rothrock, Air Reserve (active); Master Sgt. Floyd B. Haney; Technical Sgt. Adolph Cattarius; Staff Sgt. Charles S. Guinn; Staff Sgt. Ralph W. Spencer; Staff Sgt. Henry L. West; Sgt. Frank B. Conner; Corp. John S. Gray; Corp. Clarence D. Lake; Corp. James E. Sands; Pvt. (1st cl.) Russell E. Junior; Pvt. (1st cl.) Norbert D. Flinn; Pvt. (1st cl.) Joseph H. Walsh; and Pvt. Hansen Outley.

Mr. McKELLAR. Mr. President, was this bill recommended by the War Department?

Mr. SHEPPARD. This is the usual bill authorizing the acceptance of medals and decorations.

Mr. McKELLAR. Was it recommended by the War Department?

Mr. SHEPPARD. It was recommended by the War Department.

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

RELIEF OF CERTAIN DISBURSING OFFICERS OF THE ARMY

The bill (S. 512) for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of the following disbursing officers of the Army of the United States the amounts set opposite their names: Capt. Emmett J. Bean, Finance Department, \$29.05; Lt. Col. Richard L. Cave, Finance Department, \$180; Capt. Harold F. Chrisman,

Finance Department, \$57.15; Lt. Col. Walter D. Dabney, Finance Department, \$35.72; Maj. Henry M. Denning, Finance Department, \$50.28; Lt. Col. Edwin F. Ely, Finance Department, \$111; Lt. Col. Horace G. Foster, Finance Department, \$55; First Lt. John R. Gilchrist, Finance Department, \$65.10; Capt. Charles W. Hensey, Finance Department, \$19.59; Maj. George F. MacDonald, Finance Department, \$5; Maj. Arthur J. Perry, Finance Department, \$26.28; Capt. Alexander H. Perwein, Infantry, \$407.88; Capt. Leighton N. Smith, Finance Department, \$14; said amounts being public funds for which they are accountable and which comprise minor errors in computation of pay and allowances due former members of the Civilian Conservation Corps, who are no longer enrolled in that corps, and which amounts have been disallowed by the Comptroller General of the United States: *Provided*, That no part of the amounts so credited shall be later charged against any individual other than the various payees.

SEC. 2. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lt. Col. Richard L. Cave, Finance Department, the sum of \$100, public funds for which he is accountable and which were paid to the Cox Fence Co. for construction work and disallowed by the Comptroller General of the United States.

SEC. 3. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lt. Col. Richard L. Cave, Finance Department, the sum of \$19.83, public funds for which he is accountable, and which has been disallowed by the Comptroller General of the United States on account of a payment made to a former officer of the Officers' Reserve Corps.

SEC. 4. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lt. Col. Edward T. Comegys, Finance Department, the sum of \$357.77, public funds for which he is accountable, and which represents items disallowed by the Comptroller General of the United States on account of payments made for the shipment of baggage and household effects of certain personnel of the Third Attack Group from Fort Crockett, Tex., to Barksdale Field, La.: *Provided*, That any amounts collected from any person on account of payments herein validated shall be refunded to such person upon presentation of a claim therefor to the Comptroller General.

SEC. 5. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lt. Col. Walter D. Dabney, Finance Department, \$242.17; Lt. Col. Cherubusco Newton, Jr., Finance Department, \$553.67; and Lt. Col. Edward T. Comegys, Finance Department, \$1,452.41; public funds for which they are accountable, and which were paid by them to J. Irving Nicholls for services performed as a shorthand reporter at Fort Sam Houston, Tex., during the period August 13, 1925, to February 20, 1935, and which amounts have been disallowed by the Comptroller General of the United States: *Provided*, That no part of these amounts shall be charged against any person other than the payee.

SEC. 6. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lt. Col. Edwin F. Ely, Finance Department, the sum of \$10.50, public funds for which he is accountable, and which has been disallowed by the Comptroller General of the United States on account of a payment made to a former enlisted man for flying pay.

SEC. 7. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maj. Malcolm V. Fortier, Infantry, the sum of \$51.26 in full satisfaction of his claim against the United States for that amount which was paid by him for advertising for and in the interests of the United States, without the prior approval of the Secretary of War as required by Revised Statutes 3828 (44 U. S. C. 324).

SEC. 8. That payments heretofore made for hospital and medical expenses incident to the injury or disease of Reserve officers on duty with the Civilian Conservation Corps, incurred while on leave of absence, are hereby ratified and validated, and the Comptroller General of the United States is hereby directed to allow credit in the accounts of disbursing officers of the Government for and on account of all such payments: *Provided*, That any amounts collected from any person on account of payments which are herein validated shall be refunded to such persons upon presentation of a claim therefor to the Comptroller General: *Provided further*, That the Comptroller General is authorized and directed to adjust, allow, and certify for payment all claims when approved by the Surgeon General of the Army for hospital and medical services heretofore furnished incident to the injury or disease of Reserve officers on duty with the Civilian Conservation Corps incurred while on leave of absence.

SEC. 9. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of First Lt. John R. Gilchrist, Finance Department, the sum of \$1.25, public funds for which he is accountable, which were paid by him to Dr. Dewey H. Walden, contract physician, for traveling expenses and disallowed by the Comptroller General of the United States.

SEC. 10. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Capt. Charles W. Hensey, Finance Department, the sum of \$7.68, public funds for which he is accountable, which sum has been disallowed by the Comptroller General of the United States on account of a payment made to an enlisted man: *Provided*, That no part of this amount shall be charged to any person other than the payee.

SEC. 11. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Capt. Charles W. Hensey, Finance Department, the sum of \$7.45, public funds for which he is accountable, which sum has been disallowed by the Comptroller General of the United States on account of an overpayment made to a former member of a citizens' military training camp: *Provided*, That no part of this amount shall be charged to any person other than the payee.

SEC. 12. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lt. Col. Eugene O. Hopkins, Finance Department, the sum of \$28.68, public funds for which he is accountable, which were paid to a former soldier as additional pay as an expert gunner and disallowed by the Comptroller General of the United States.

SEC. 13. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Capt. Donald J. Leehey, Corps of Engineers, \$5,100, representing part of an amount paid by him for rental of temporary office quarters, shop storage, wharf and dock at Eastport, Maine, for the fiscal year 1936, under lease with the MacNichol Packing Co., which amount has been disallowed by the Comptroller General of the United States: *Provided*, That the amounts so credited shall not be charged against any moneys otherwise due the payees.

SEC. 14. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lt. Col. Montgomery T. Legg, Finance Department, the sum of \$150, public funds for which he is accountable, and which were stolen from the office safe of his agent officer at Camp S-123, Corning, N. Y., on January 16, 1938.

SEC. 15. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lt. Col. Montgomery T. Legg, Finance Department, the sum of \$126, public money for which he is accountable, paid by him on a forged voucher.

SEC. 16. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lt. Col. Emmett C. Morton, Finance Department, the sum of \$4,009.45, public funds for which he is accountable, and which were paid by him on fraudulent vouchers prepared by a trusted employee.

SEC. 17. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Maj. Arthur J. Perry, Finance Department, \$238, public funds for which he is accountable, which were paid to a former enlisted man of the Army as pay and disallowed by the Comptroller General of the United States.

SEC. 18. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Maj. Arthur J. Perry, Finance Department, \$12.85, public funds for which he is accountable, which were paid by him to First Lt. W. W. Hudgens, Infantry Reserve, for travel expenses, and which have been disallowed by the Comptroller General of the United States: *Provided*, That no part of this sum shall be charged to any person other than the payee.

SEC. 19. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Capt. Alexander H. Perwein, Infantry, \$32.10, public funds for which he is accountable, which were paid to a former enlisted man of the Army as pay, and disallowed by the Comptroller General of the United States.

SEC. 20. That the Comptroller General be, and he is hereby, authorized and directed to credit in the accounts of Maj. Louis H. Price (deceased), Finance Department, \$21.15, public funds for which he is accountable, which were paid by him to the Dyson Paper Board Co. and which have been disallowed by the Comptroller General of the United States: *Provided*, That no part of this amount shall be charged against any person other than the payee.

SEC. 21. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Maj. Leonard H. Sims, Finance Department, the sum of \$126.55, public funds for which he is accountable, which were stolen from the safe of his agent officer at Company 449, Civilian Conservation Corps, Camp Florida, P-79, Jacksonville, Fla., by a person or persons unknown.

SEC. 22. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Capt. Fioire J. Stagliano, Finance Department, \$1,035.42, public funds for which he is accountable and which were paid by him for the rental of passenger-carrying vehicles used by the Puerto Rican Hurricane Commission, and which amount has been disallowed by the Comptroller General of the United States.

BENJAMIN H. SOUTHERN

The bill (S. 339) for the relief of Benjamin H. Southern was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon persons honorably discharged from the United States Army, Benjamin H. Southern shall be held and considered to have been honorably discharged from the United States Army on the 31st day of March 1919: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. McKELLAR subsequently said: Mr. President, I ask unanimous consent that the vote by which Calendar No. 146,

Senate bill 339, was passed, be reconsidered, and that the bill go over. I see that it is recommended against by the War Department, and I should like to look into it.

The PRESIDING OFFICER. Without objection, the vote by which Senate bill 339 was passed is reconsidered, and the bill will be passed over.

BILL PASSED OVER

The bill (S. 1706) to provide for reorganizing agencies of the Government, and for other purposes, was announced as next in order.

Mr. BARKLEY. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

COOPERATIVE AGRICULTURAL EXTENSION WORK

The bill (S. 518) to provide for the further development of cooperative agricultural extension work 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 further develop the cooperative extension system as inaugurated under the act entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act of Congress approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture", approved May 8, 1914 (U. S. C., title 7, secs. 341-348), there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the expenses of cooperative extension work in agriculture and home economics and the necessary printing and distribution of information in connection with the same, the sum of \$500,000 annually. The sums appropriated pursuant to this act shall be allotted by the Secretary of Agriculture to the several States in such amounts as he may deem necessary, and shall be paid to the several States in the same manner and subject to the same conditions and limitations as the initial payments of \$10,000 to each State appropriated under the act of May 8, 1914. The sums appropriated pursuant to this act shall be in addition to and not in substitution for sums appropriated under such act of May 8, 1914, as amended and supplemented, and sums otherwise appropriated for agricultural extension work.

STAR-ROUTE CONTRACTS

The Senate proceeded to consider the joint resolution (S. J. Res. 76) to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 60 days, which had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 1, line 6, after the word "of", to strike out "sixty" and insert "forty-five", so as to make the joint resolution read:

Resolved, etc., That the Postmaster General is authorized and directed to withhold the awarding of star-route contracts for which bids have been received in the third contract section for a period of 45 days after March 7, 1939.

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

Mr. MURRAY. Mr. President, the only purpose of the joint resolution is to permit the Post Office Department to withhold the award of contracts to star-route carriers pending the consideration of other legislation now before the Congress. It allows the Department to withhold the award of those contracts for a period of 45 days, which will enable the Congress to act on the other legislation in the meantime.

Mr. KING. May I ask the Senator if the joint resolution is not retroactive, interfering with the obligations of the Government to contractors? I presume the Government asked for bids, and bids were submitted and contracts prepared. We now propose, after that course, to forbid the Department to enter into the contracts.

Mr. MURRAY. The joint resolution does not forbid the Department to enter into contracts. There will be merely a delay in awarding the contracts so as to give the Congress an opportunity to act on the legislation which is pending before it at this time.

Mr. KING. Why should we delay after we have asked for bids and bids have been submitted? Apparently the bids were satisfactory. Do we now propose to change the law and impose harsher terms?

Mr. HAYDEN. Now is the time, normally, for advertising for bids.

Mr. McKELLAR. For this particular area.

Mr. HAYDEN. For one-fourth of the United States, for the next fiscal year, beginning July 1. The advertisements normally would go out at this time. The effect of the joint resolution is to delay for 45 days advertising for bids. If Congress does not act on the legislation before it in the meantime, there will still remain ample time to advertise for bids and let the contracts; and the star-route business can go on just as usual.

Mr. KING. Then, the passage of the joint resolution will not mean the abrogation of any contracts?

Mr. HAYDEN. Not at all. It will merely delay advertising for bids.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

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

The title was amended so as to read: "Joint resolution to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 45 days."

BILL PASSED OVER

The bill (H. R. 3537) to extend the facilities of the United States Public Health Service to active officers of the Foreign Service of the United States was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

RECOGNITION OF CIVILIAN SERVICES IN CONSTRUCTION OF PANAMA CANAL

The bill (S. 50) to provide for recognizing the services rendered by civilian officers and employees in the construction and establishment of the Panama Canal and the Canal Zone was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in recognition of their distinguished service in the construction, maintenance, operation, sanitation, and government of the Panama Canal and the Canal Zone, the thanks of Congress are hereby extended to the civil, electrical, designing, mechanical, and municipal engineers, administrators, medical and surgical officers, scientists, lawyers, marine, dredging, operating, fiscal, and construction experts, and other persons, who rendered such service, but were not included in the recognition and benefits extended by the act of Congress approved March 4, 1915 (38 Stat. 1190).

SEC. 2. In further recognition of the exceptional character and conditions of such service, article 2 of chapter 6 of title 2 of the Canal Zone Code, as amended, is amended by adding at the end of such article the following:

"108. Minimum annuity for employees serving in connection with the construction of the Panama Canal: Any officer or employee of the Panama Canal or the Panama Railroad Co. who served 3 or more years on the Isthmus of Panama in connection with the construction of the Panama Canal during the period from May 4, 1904, to March 31, 1914, both dates inclusive, and who has been, prior to the date of enactment of this section, or may be, on or after such date, retired from active duty under the provisions of this article, shall be paid an annuity in an amount not less than 2 percent of the average annual basic salary, pay, or compensation received by such officer or employee during any 5 consecutive years of allowable foreign tropical service rendered on the Isthmus of Panama, multiplied by the total number of years of such service, not exceeding 30. This section shall not operate to reduce the annuity allowable to any such officer or employee, or otherwise deprive him of any benefits allowable under this article or any other retirement act under which he has been or may be retired. Annuity allowable under this section to any officer or employee shall not become effective until such officer or employee reaches the compulsory retirement age prescribed in section 92 of this article, or is retired on account of disability under section 94 of this article, or is retired under section 93 after 30 years' service on the Isthmus. In the cases of officers and employees who, prior to the date of enactment of this section, have been retired and have attained the compulsory retirement age, or have been retired on account of disability under section 94 of this article, or have been retired under section 93 after 30 years' service on the Isthmus, the increased annuities allowable under this section shall commence on the first day of the calendar month next following the month during which this section is enacted."

The PRESIDING OFFICER. That completes the calendar.

BERNARR MACFADDEN

Mr. REYNOLDS. Mr. President, I ask consent to introduce a private bill for the relief of Hon. Bernarr Macfadden, a publisher of the city of New York.

The PRESIDING OFFICER. The bill introduced by the Senator from North Carolina will be received and appropriately referred.

The bill (S. 1744) for the relief of Bernarr Macfadden, was read twice by its title and referred to the Committee on Claims.

Mr. REYNOLDS. Mr. President, I should now like to make a brief statement relative to the bill which I have introduced.

I wish to say that there is now before the Senate a bill, Senate bill 1620, introduced on February 28 by the distinguished Senator from New York [Mr. WAGNER] looking toward the formulation of a definite national health program.

At this very time, when the Congress is engaged in the authorization of appropriations amounting into hundreds of millions of dollars for national-defense purposes, it is very timely and essential, in my opinion, that the Federal Government tackle the health problems of the Nation in a systematic and practical manner. Naturally, our first line of defense is a healthy nation. The health of the youth must be guarded and preserved. What would it avail our country to have adequate military equipment for the Army, the Navy, and the air forces if we did not have vigorous men and women to man the implements so provided?

I desire to place particular emphasis on the vast change that has taken place since the beginning of the century in reference to certain diseases—namely, the venereal scourge. For generations the country suffered horrible results because of false modesty and the fear of openly discussing this unpleasant subject by tongue or pen. This transition did not take place without great sacrifice on the part of some of our forward-looking citizens.

For practically a lifetime one famed American, as a formidable ally in stamping out this vice from our midst, has steadfastly devoted his time, his energy, and his financial resources to an unrelenting crusade to turn the glaring spotlight of publicity on this hideous evil.

It is only recently that the word "syphilis" and the names of other kindred complaints have been permitted to appear in the newspapers. It is only recently that leading periodicals enlisted in campaigns of education so that youth may learn of the pitfalls and vileness of these social blights. Until very recent years the treatment for the disease was worse than the disease itself.

This remarkable reformation was finally achieved by a courageous personality, a man of vision, who boldly defied conventions and critics and actually faced a Federal penitentiary in his fearless struggle to preserve the health of young America. This martyr is the Honorable Bernarr Macfadden, an outstanding advocate of physical culture for our youth and a prominent American publisher.

During a noble crusade about 30 years ago Mr. Macfadden engaged the services of an author to write an article for his publication with the purpose of warning youth against these degenerate social diseases, and pointing out their dangers to the general public. It is with amazement that we now note that Mr. Macfadden was then rewarded by the Government with a 2-year sentence to prison and a \$2,000 fine for his humanitarian efforts, believe it or not. President Taft canceled the sentence, but the \$2,000 fine was paid.

In view of the immeasurable good that his campaigns have spread, considering the change of our attitude in the method of combatting these insidious diseases, I think, in the name of health, the least Uncle Sam should do at this time is to erase from the Government's financial books and records this disgraceful act of injustice committed in the ignorant past and to make amends by refunding the \$2,000 fine to Mr. Macfadden, the champion of a free constructive press, with an apology and interest.

In addition, Mr. President, I wish to state that I have brought this matter to the attention of the Senate at this time for the reason that this private bill interests itself primarily with the bill which I mentioned a moment ago as having been introduced in February by the senior Senator from New York relating to the national health, which naturally greatly concerns the youth of America. It is of particular interest, because it would be useless for us, as I have stated, to make expenditure of billions of dollars, which we

are doing, for the purpose of purchasing implements of war unless we have strong, healthy youth in America to make use of such implements. I think, as a matter of fact, that the least his Government and our Government could possibly do to erase the disgrace that was imposed upon him, one might say, at that time would be to rescind the fine.

I wish to say further in conclusion that I shall hope to be provided on opportunity of having Mr. Macfadden personally appear before the Committee on Claims, which will have jurisdiction of this particular claim, and at that time present to the committee written and printed matter to which I have referred and which is not to be compared with that which we now read daily in the newspapers of the country.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEE ON POST OFFICES AND POST ROADS

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters, which were ordered to be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. LEE in the chair). If there be no further reports of committees, the clerk will proceed to call the Executive Calendar.

REGULATION OF WHALING

The Senate, as in Committee of the Whole, proceeded to consider Executive C, a protocol amending the international agreement for the regulation of whaling, signed in London on June 24, 1938, which was read the second time, as follows:

PROTOCOL

The Government of the Union of South Africa, the United States of America, the Argentine Republic, the Commonwealth of Australia, Canada, Eire, Germany, the United Kingdom of Great Britain and Northern Ireland, New Zealand and Norway, desiring to introduce certain amendments into the International Agreement for the Regulation of Whaling, signed in London on the 8th June, 1937 (hereinafter referred to as the Principal Agreement) in accordance with the provisions of Article 21 thereof, have agreed as follows:

ARTICLE 1

With reference to the provisions of Articles 5 and 7 of the Principal Agreement, it is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback whales in any waters south of 40° South Latitude during the period from the 1st October, 1938, to the 30th September, 1939.

ARTICLE 2

Notwithstanding the provisions of Article 7 of the Principal Agreement, it is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in the waters south of 40° South Latitude from 70° West Longitude westwards as far as 160° West Longitude for a period of two years from the 8th day of December, 1938.

ARTICLE 3

(1) No factory ship which has been used for the purpose of treating baleen whales south of 40° South Latitude shall be used for that purpose elsewhere within a period of twelve months from the end of the open season prescribed in Article 7 of the Principal Agreement.

(2) Only such factory ships as have operated during the year 1937 within the territorial waters of any signatory Government shall, after the signature of this Protocol, so operate, and any such ships so operating shall be treated as land stations and remain moored in territorial waters in one position during the season and shall operate for not more than six months in any period of twelve months, such period of six months to be continuous.

ARTICLE 4

To Article 5 of the Principal Agreement there shall be added the following:

"except that blue whales of not less than 65 feet, fin whales of not less than 50 feet and sperm whales of not less than 30 feet in length may be taken for delivery to land stations provided that the meat of such whales is to be used for local consumption as human or animal food."

ARTICLE 5

To Article 7 of the Principal Agreement there shall be added the following:

"Notwithstanding the above prohibition of treatment during a close season, the treatment of whales which have been taken during the open season may be completed after the end of the open season."

ARTICLE 6

In Article 8 of the Principal Agreement the word "baleen" shall be inserted after the word "treating."

ARTICLE 7

For the areas specified in (a), (b), (c) and (d) of Article 9 of the Principal Agreement there shall be substituted the following areas, viz.:

- (a) in the waters north of 66° North Latitude; except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of whales by such ship or catcher shall be permitted between 66° North Latitude and 72° North Latitude;
- (b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;
- (c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;
- (d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;
- (e) in the Indian Ocean and its dependent waters north of 40° South Latitude.

ARTICLE 8

For Article 12 of the Principal Agreement there shall be substituted the following, viz.: The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass shall remain in the sea for a longer period than 33 hours from the time of killing to the time when it is taken up on the deck of the factory ship for treatment.

ARTICLE 9

The present Protocol shall come into force provisionally on the first day of July, 1938, to the extent to which the signatory Governments are respectively able to enforce it.

ARTICLE 10

- (i) The present Protocol shall be ratified and the instruments of ratification shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland as soon as possible.
- (ii) It shall come into force definitively upon the deposit of the instruments of ratification by the Governments of the United Kingdom, Germany and Norway.
- (iii) For any other Government which is a party to the Principal Agreement, the present Protocol shall come into force on the date of the deposit of its instrument of ratification or notification of accession.
- (iv) The Government of the United Kingdom will inform the other Governments of the date on which the Protocol comes into force and the date of any ratification or accession received subsequently.

ARTICLE 11

- (i) The present Protocol shall be open to accession by any Government which has not signed it and which accedes to the Principal Agreement before the definitive entry into force of the Protocol.
- (ii) Accession shall be effected by means of a notification in writing addressed to the Government of the United Kingdom and shall take effect immediately after the date of its receipt.
- (iii) The Government of the United Kingdom will inform all the Governments which have signed or acceded to the present Protocol of all accessions received and the date of their receipt.

ARTICLE 12

Any ratification of or accession to the Principal Agreement which may be deposited or notified after the date of definitive coming into force of the present Protocol shall be deemed to relate to the Principal Agreement as amended by the present Protocol.

In witness whereof the undersigned, duly authorised thereto, have signed the present Protocol.

Done in London the twenty-fourth day of June, 1938, in a single copy, which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies shall be communicated to all the signatory Governments:

For the Government of the Union of South Africa:

C. T. TE WATER.

F. J. DU TOIT.

For the Government of the United States of America:

HERSCHEL V. JOHNSON.

REMINGTON KELLOGG.

WILFRID N. DERBY.

For the Government of the Argentine Republic:

MANUEL E. MALBRAN.

M. FINCATI.

For the Government of the Commonwealth of Australia:

ROBERT G. MENZIES.

For the Government of Canada:

VINCENT MASSEY.

For the Government of Eire:

SEAN O'FAOLAIN O'DULCHAONTIGH.

J. D. RUSH.

For the Government of Germany:

HELMUTH WOHLTAT.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

HENRY G. MAURICE.

GEO. HOGARTH.

For the Government of New Zealand:

W. J. JORDAN.

For the Government of Norway:

BIRGER BERGERSEN.

Certified a true copy:

[SEAL]

STEPHEN GASELEE,
Librarian and Keeper of the Papers at the Foreign Office.
London, July 13, 1938.

The PRESIDING OFFICER. The protocol is before the Senate and open to amendment. If there be no amendment to be proposed, the protocol will be reported to the Senate. The protocol was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive C, Seventy-sixth Congress, first session, a protocol signed in London on June 24, 1938, amending the International Agreement for the Regulation of Whaling, signed in London on June 8, 1937.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the protocol is ratified.

COLLECTOR OF INTERNAL REVENUE

The legislative clerk read the nomination of Joseph T. McDonald, of Scranton, Pa., to be collector of internal revenue for the twelfth district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COLLECTOR OF CUSTOMS

The legislative clerk read the nomination of Austin J. Mahoney, of Rochester, N. Y., to be collector of customs of customs district No. 8, with headquarters at Rochester, N. Y.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk read the nomination of William L. Smith to be senior surgeon.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of James G. Telfer to be passed assistant surgeon.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That concludes the calendar.

LEGISLATIVE PROGRAM FOR REMAINDER OF THE WEEK—ADJOURNMENT

Mr. BARKLEY. Mr. President, I wish to say, in order that Senators may make their arrangements accordingly, that it is now proposed to adjourn until tomorrow. So far as I am aware, there will be no business on the calendar for the remainder of this week. The Appropriations Committee has not reported any bills; the reciprocal-tax bill will not be ready until Monday, because hearings are in progress on certain amendments to the measure that have been offered. So, it is likely that tomorrow there will be very little business, and the Senate will adjourn then until Monday. I make this statement so that Senators may know how to arrange their time between now and that date.

As in legislative session, I now move that the Senate adjourn until tomorrow.

The motion was agreed to; and (at 3 o'clock and 5 minutes p. m.) the Senate adjourned until tomorrow, Thursday, March 9, 1939, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 8, 1939

COLLECTOR OF INTERNAL REVENUE

Joseph T. McDonald to be collector of internal revenue for the twelfth district of Pennsylvania.

COLLECTOR OF CUSTOMS

Austin J. Mahoney to be collector of customs for customs collection district No. 8, with headquarters at Rochester, N. Y.

UNITED STATES PUBLIC HEALTH SERVICE

William L. Smith to be senior surgeon.

James G. Telfer to be passed assistant surgeon.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 8, 1939

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal Spirit, we are grateful for a continuance of Thy mercies. Suns may forget to rise and set, tides to ebb and flow, but Thou, O Christ, art the unerring One: "The same yesterday, today, and forever." O Lord and Master of us all, whose crown of thorns mocks the diadems of mortal monarchs, whose scepter is a broken reed, sway the nations to the Christian service of man. Marshal them, we pray Thee, into forms of everlasting grace, and may they bring forth concordant raptures of fraternity and brotherhood. As the clouds that cluster about the morning star fade into a new day, so may humanity journey through the morning shades and come to the glory of a new-found vision. Heavenly Father, come and make earth's broken things whole—broken faiths, broken loves, broken hearts, and broken lives. In our dear Redeemer's name. 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, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 3791. An act to provide more effectively for the national defense by carrying out the recommendations of the President in his message of January 12, 1939, to the Congress.

NATIONAL-DEFENSE BILL

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3791) to provide more effectively for the national defense by carrying out the recommendations of the President in his message of January 12, 1939, to the Congress, with Senate amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none, and appoints the following conferees on the part of the House: Messrs. MAY, THOMASON, HARTER of Ohio, ANDREWS, and SHORT.

REVISION OF TRADE-MARK LAWS

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute to make an announcement.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LANHAM. Mr. Speaker, a few days ago I introduced a bill (H. R. 4744) providing for a revision of the trade-mark laws based upon hearings at the last session of Congress. I desire at this time to make the announcement and give notice to all interested parties that hearings on this measure will be begun before a subcommittee of the Committee on Patents at 10 o'clock in the morning on March 28.

SEIZURE OF CERTAIN AMERICAN PROPERTY IN MEXICO

Mr. BLOOM. Mr. Speaker, I present a privileged report from the Committee on Foreign Affairs on House Resolution 107, requesting information of the President on seizure of certain American property in Mexico.

The Clerk read the resolution, as follows:

House Resolution 107

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to inform the House of Representatives—

(1) What facts, if any, are in possession of the State Department as to how many farms owned by American citizens have been expropriated by the Mexican Government since March 4, 1933; the total acreage and the estimated or claimed value of these farms;

(2) What information, if any, is in possession of the State Department relative to the number of American-owned factories, mills, and mines that have been expropriated by the Mexican Government since March 4, 1933, and the estimated or claimed value of these properties;

(3) What facts the State Department has with regard to the estimated or claimed value of American-owned oil properties expropriated by the Mexican Government;

(4) What information, if any, is in possession of the State Department regarding a report that oil seized from American properties was bartered by the Mexican Government for German farm, road, or factory machinery hitherto purchased from the United States;

(5) What facts, if any, the State Department has that our export trade with Mexico decreased 50 percent in 1938 whereas the German trade increased 50 percent during that period; and

(6) Whether the State Department has any facts concerning the alleged charge that United States Ambassador Josephus Daniels suppressed, for a considerable time, a note of protest from the United States Government to the Mexican Government regarding the seizure of American-owned oil properties in Mexico.

The SPEAKER. The Clerk will read the adverse report. The Clerk read as follows:

ADVERSE REPORT (TO ACCOMPANY H. RES. 107)

The Committee on Foreign Affairs to whom was referred the resolution (H. Res. 107) requesting the President of the United States to transmit to the House of Representatives all data in regard to the seizure of certain American property in Mexico, having considered the same, submit the following report thereon, with the recommendation that it do not pass:

Such information available to the Department of State as is consistent with the public interest has been furnished your committee and is on file.

Mr. BLOOM. Mr. Speaker, I move to lay the resolution on the table.

The motion was agreed to.

A motion to reconsider was laid on the table.

INTERIOR DEPARTMENT APPROPRIATION BILL, 1940

Mr. TAYLOR of Colorado, from the Committee on Appropriations, reported the bill (H. R. 4852) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1940, and for other purposes (Rept. No. 161), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. RICH. Mr. Speaker, I reserve all points of order on the bill.

EXTENSION OF REMARKS

Mr. MERRITT, Mr. BUCK, Mr. BROOKS, and Mr. SHAFER of Michigan asked and were given permission to revise and extend their own remarks in the Record.

Mr. SATTERFIELD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein an address delivered by Brig. Gen. George Richards, United States Marine Corps.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record by printing a speech delivered by my colleague the gentleman from Ohio [Mr. MARSHALL].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOPE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a concurrent resolution adopted by the Legislature of the State of Kansas.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FREEDOM OF RELIGIOUS WORSHIP

Mr. RANKIN. Mr. Speaker, so many assaults have been made on Christianity throughout the world that people in

every section of this country have become apprehensive. Especially is this true now in the light of certain legislation that has been introduced in Congress which many people think threatens religious freedom or the right to worship God as one pleases.

I have just received a statement from Dr. John R. Sampey, president of the Southern Baptist Seminary, at Louisville, Ky., which I am inserting as a part of my remarks.

The Baptist Church has always stood for religious freedom and for the development of the highest qualities of moral and spiritual manhood and womanhood. It has always stood for complete separation of church and state and has never asked that it be given governmental preference over other denominations.

They see in this movement a danger to religious freedom, and for that reason they are appealing to Congress not to destroy that sacred heritage, which has come down to us from former generations of brave men and brave women who helped to establish religious liberty and to make it one of the cornerstones of American institutions.

I take great pleasure in inserting Dr. Sampey's statement, and I hope that every Member of the House and the Senate will read it carefully and heed its timely warning.

The matter referred to follows:

A STATEMENT BY THE FACULTY OF THE SOUTHERN BAPTIST THEOLOGICAL SEMINARY CONCERNING THE AMENDMENT TO THE SOCIAL SECURITY ACT

A new threat to religious liberty in America may develop from a bill recently introduced in Congress to amend the Social Security Act. Baptists, in particular, and Christians of all faiths who are of like mind should inform themselves of the dangerous potentialities of this bill. In 1935 Congress passed "An act to provide for the general welfare by establishing a system of old-age benefits and by enabling its several States to make more adequate provision for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a Social Security Board; to raise revenue; and for other purposes."

This act significantly contained an exclusion clause which omitted from the application of the act and from taxation thereunder "service performed in the employ of a corporation, community chest, fund, foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual." The bill which has been introduced into the present Congress (H. R. 101, by Mrs. O'Day) would amend the original act by striking out this exclusion clause. And it is to this amendment as it concerns the churches and other institutions of religion that we would direct the earnest attention of Baptists and of all other Christians.

What does the amendment mean? Practically it means (1) that in the future the function of providing for the economic security of employees of churches, denominational organizations, and other institutions of religion would be taken away from these groups and be made the function of the State; it means (2) that the churches and their institutions would be taxed by the State for the support of its social-security program; (3) it opens the door for the punitive coercion of the churches by the State in the enforcement of its regulations; and (4) it involves the individual workers of the churches in a direct economic dependence upon the State that will tend to dull religious conviction and stifle independent conscientious action.

The further meaning of the amendment for Baptists becomes clear when we recall their historic views. Early American history rings with their insistence upon full religious liberty for all men. In order to guarantee such liberty for the individual they further insisted on the state's recognition of the distinctive nature and distinctive function of the church in the world, warranting the demand for a free church in a free state. They believed, and Baptists still believe, that the church is not in the same category as the economic corporation, that it is the voice of God in the world, and that its spiritual function becomes impossible when its organization and methods are controlled by the state, or when it becomes economically dependent upon any other group whatsoever. The church must be free from entangling alliances if it is to remain the voice of God in human society. Although the different functions of the church and the state are complementary rather than antagonistic, they are so different that neither the church nor the state is fitted to govern the other, and that attempted domination of either by the other makes only for injustice, bitterness, strife, and disruption.

The proposed amendment, furthermore, reverses the historic judgment of the Nation. The above Baptist principles were recognized in the Bill of Rights and in the legislative policy of our Government, a policy based, we must be reminded, not upon the expediency of gratuitous exemption, but upon the essential right and requirement of the church in the exercise of its spiritual function. But the twentieth century pressure of economic and

political expediency begins to ignore the essential difference between churches and other associations, and to regard the freedom of religion as freedom of thought and worship only, without the implementation of action and method. In our sight this amendment is just another step, undiscerningly proposed perhaps, in the direction of incorporating religious organizations under the leadership and control of the state, a movement that promises as great a disaster for democratic government as for the church. We speak, therefore, not merely in defense of the freedom of the church, but as patriotic citizens we would enter our protest against a step that would further secularize the national thought, endanger the freedom and variety of democratic association, yield to the totalitarian principle another gain in its conquest of western civilization, and become the portent of national confusion.

Because we feel so deeply that this proposal is an incipient thrust at something basic in our national life we voice this warning and protest. We appeal particularly to our southern Baptist brethren to give to our historic conscience supremacy over an easy conformity. Our fathers won recognition for the high principles of religious liberty and separation of church and state at the price of hardship and blood; we must not easily surrender them or retreat from their full meaning. We must make our protest. And we suggest that Baptists urge upon their Senators and Representatives the meaning of what is about to be done and register a strong dissent. We must, furthermore, be willing to pay the price of separate action, which in this matter means adequate provision for the workers in our churches and institutions through our own agencies. The work of our relief and annuity board for the security of our preachers, teachers, and other denominational workers is already well established and making remarkable progress toward a complete service. And now a critical challenge confronts us. Shall we go on to perfect the service of our own agencies of security? Or shall we abandon them and yield our task to the state? Our answer should not be in doubt. We shall cooperate most loyally with the state in the area of its own functioning, but within the life of our churches and our denomination we shall claim the right and accept the task of caring for our own.

JOHN R. SAMPEY, President
(For the faculty).

EXTENSION OF REMARKS

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD a memorial of the Legislature of the State of Maine regarding the naval services of Capt. Jerome O'Brien in the Revolutionary War.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FAY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD on the St. Lawrence seaway and power project and to include therein an address made February 23, 1939, by Mr. Fred J. Freestone, past master of the New York State Grange.

The SPEAKER. Without objection, it is so ordered.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SNYDER. Mr. Speaker, I presume that 50 years from now the House will be holding a session commemorating the two hundredth anniversary of the First Congress of the United States. They will be looking for the names of the former Members of Congress serving in 1939 and at 50-year intervals since the beginning of our Government. Thus, I ask unanimous consent to extend my own remarks at this point in the RECORD and include therein the names of the President and Vice President and Congressmen who served in the First Congress, a list of those who served in the Congress 100 years ago, a list who served in the Congress 50 years ago, as well as a list of the present Congressmen, all arranged alphabetically by States.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. SNYDER]?

Mr. RICH. Mr. Speaker, reserving the right to object, may I ask the gentleman from Pennsylvania [Mr. SNYDER] if he thinks under the New Deal and the way we are going we will have a Congress 50 years from now?

Mr. SNYDER. Oh, yes; and a much better country and Congress than now as a result of the New Deal and similar agencies.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. SNYDER]?

There was no objection.

FIRST CONGRESS—MARCH 4, 1789, TO MARCH 3, 1791

First session, March 4, 1789,¹ to September 29, 1789; second session, January 4, 1790, to August 12, 1790; third session, December 6, 1790, to March 3, 1791

Vice President of the United States: John Adams, of Massachusetts.

President pro tempore of the Senate: John Langdon,² of New Hampshire.

Secretary of the Senate: Samuel A. Otis,³ of Massachusetts.

Speaker of the House of Representatives: Frederick A. C. Muhlenberg,⁴ of Pennsylvania.

Clerk of the House: John Beckley,⁵ of Virginia.

CONNECTICUT

Senators: Oliver Ellsworth, William S. Johnson.
Representatives: Benjamin Huntington, Roger Sherman, Jonathan Sturges, Jonathan Trumbull, Jeremiah Wadsworth.

DELAWARE

Senators: Richard Bassett, George Read.
Representative: John Vining.

GEORGIA

Senators: William Few, James Gunn.
Representatives: Abraham Baldwin, James Jackson, George Matthews.

MARYLAND

Senators: John Henry, Charles Carroll of Carrollton.
Representatives: Daniel Carroll, Benjamin Contee, George Gale, Joshua Seney, William Smith, Michael Jenifer Stone.

MASSACHUSETTS

Senators: Tristram Dalton, Caleb Strong.
Representatives: Fisher Ames, Elbridge Gerry, Benjamin Goodhue, Jonathan Grout, George Leonard, George Partridge,⁶ Theodore Sedgwick, George Thacher.

NEW HAMPSHIRE

Senators: John Langdon, Paine Wingate.
Representatives: Abiel Foster, Nicholas Gilman, Samuel Livermore.

NEW JERSEY

Senators: Jonathan Elmer, William Paterson,⁷ Philemon Dickinson.⁸
Representatives:⁹ Elias Boudinot, Lambert Cadwalader, Thomas Sinnickson, James Schureman.

NEW YORK

Senators: Rufus King,¹⁰ Philip Schuyler.¹¹
Representatives: Egbert Benson, William Floyd, John Hathorn,¹² John Laurance, Peter Silvester,¹³ Jeremiah Van Rensselaer.¹⁴

¹ Neither a quorum of the Senate nor of the House of Representatives appeared in their respective Chambers on Wednesday, March 4, 1789. But eight Senators appeared and the minority adjourned from day to day until Monday, April 6, when a quorum of the Senate was first present. Thirteen Members of the House of Representatives appeared on March 4, and a quorum was not present until April 6, when the body proceeded to the transaction of business. When both Houses were organized, on April 6, they met in joint convention, in the hall of the Senate, and proceeded to open and count the electoral vote for President and Vice President. John Adams, the Vice President elect, appeared in the Senate Chamber and assumed the duties of the chair on Tuesday, April 21, 1789. On May 15, 1789, the Senate determined by lot the classes into which the membership should be divided agreeably to paragraph 2, section 3, of article I of the Constitution, as follows:

Class 1, term expires March 3, 1791: Messrs. Carroll, Dalton, Ellsworth, Elmer, Macray, Read, and Grayson.

Class 2, term expires March 3, 1793: Messrs. Bassett, Butler, Few, Lee, Strong, Paterson, and Wingate.

Class 3, term expires March 3, 1795: Messrs. Gunn, Henry, Johnson, Izard, Langdon, and Morris.

² Elected April 6, 1789.

³ Elected April 6, 1789.

⁴ Elected April 1, 1789.

⁵ Elected April 1, 1789.

⁶ Resigned August 14, 1790.

⁷ Resigned March 2, 1790, having been elected Governor.

⁸ Elected to fill vacancy caused by resignation of William Paterson, and took his seat December 6, 1790.

⁹ The election of all four Representatives was contested, but owing to the burning of the papers and documents from the First to the Sixth Congress, by the British in 1814, it is not possible to ascertain the grounds upon which the contest was based. It is known that it related to questions of regularity and procedure, and that the decision was favorable to the sitting Members.

¹⁰ Took his seat July 25, 1789; term to expire, as determined by lot, March 3, 1795.

¹¹ Took his seat July 27, 1789; term to expire, as determined by lot, March 3, 1791.

¹² Took his seat April 23, 1789.

¹³ Took his seat April 22, 1789.

¹⁴ Took his seat May 9, 1789.

NORTH CAROLINA

Senators: Benjamin Hawkins,¹⁵ Samuel Johnston.¹⁶
Representatives: John Baptista Ashe,¹⁷ Timothy Bloodworth,¹⁸ John Sevier,¹⁹ John Steele,²⁰ Hugh Williamson.²¹

PENNSYLVANIA

Senators: William Maclay, Robert Morris.
Representatives: George Clymer, Thomas Fitzsimons, Thomas Hartley, Daniel Hiester, Frederick A. C. Muhlenberg, John Peter G. Muhlenberg, Thomas Scott, Henry Wynkoop.

RHODE ISLAND

Senators: Theodore Foster,²² Joseph Stanton, Jr.²³
Representative: Benjamin Bourn.²⁴

SOUTH CAROLINA

Senators: Pierce Butler, Ralph Izard.
Representatives: Aedanus Burke, Daniel Huger, William L. Smith,²⁵ Thomas Sumter, Thomas Tudor Tucker.

VIRGINIA

Senators: William Grayson,²⁶ John Walker,²⁷ James Monroe,²⁸ Richard Henry Lee.
Representatives: Theodorick Bland,²⁹ William B. Giles,³⁰ John Brown, Isaac Coles, Richard Bland Lee, James Madison, Andrew Moore, John Page, Josiah Parker, Alexander White, Samuel Griffin.

TWENTY-SIXTH CONGRESS—MARCH 4, 1839, TO MARCH 3, 1841

First session, December 2, 1839, to July 21, 1840; second session, December 7, 1840, to March 3, 1841

Vice President of the United States: Richard M. Johnson, of Kentucky.

President pro tempore of the Senate: William R. King,³¹ of Alabama.

Secretary of the Senate: Asbury Dickens,³² of North Carolina.

Speaker of the House of Representatives: Robert M. T. Hunter,³³ of Virginia.

Clerk of the House: Hugh A. Garland,³⁴ of Virginia.

ALABAMA

Senators: William R. King, Selma; Clement C. Clay, Huntsville.
Representatives: Reuben Chapman, Somerville; David Hubbard, Courtland; George W. Crabb, Tuscaloosa; Dixon H. Lewis, Lowndesboro; James Deilett, Claiborne.

ARKANSAS

Senators: William S. Fulton, Little Rock; Ambrose H. Sevier, Lake Port.

Representative: Edward Cross, Washington.

CONNECTICUT

Senators: Perry Smith, New Milford; Thaddeus Betts,³⁵ Norwalk; Jabez W. Huntington,³⁶ Norwich.

Representatives: Joseph Trumbull, Hartford; William L. Storrs,³⁷ Middletown; William W. Boardman,³⁸ New Haven; Thomas W.

¹⁵ Took his seat January 13, 1790; term to expire, as determined by lot, March 3, 1795.

¹⁶ Took his seat January 29, 1790; term to expire, as determined by lot, March 3, 1793.

¹⁷ Took his seat March 24, 1790.

¹⁸ Took his seat April 6, 1790.

¹⁹ Took his seat June 16, 1790.

²⁰ Took his seat April 19, 1790.

²¹ Took his seat March 19, 1790.

²² Took his seat June 25, 1790; term to expire, as determined by lot, March 3, 1791.

²³ Took his seat June 25, 1790; term to expire, as determined by lot, March 3, 1793.

²⁴ Took his seat December 17, 1790.

²⁵ Took his seat April 13, 1789; on April 15, 1789, David Ramsay presented a petition claiming that Smith was ineligible because at the time of his election he had not been a citizen of the United States the term of years required by the Constitution, which was referred to the Committee on Elections; the committee reported on April 18, 1789, and on May 22, 1789, the House adopted a resolution that Mr. Smith was eligible at the time he was elected.

²⁶ Died March 12, 1790.

²⁷ Appointed to fill vacancy caused by death of William Grayson and took his seat April 26, 1790.

²⁸ Elected to fill vacancy caused by death of William Grayson, and took his seat December 6, 1790.

²⁹ Died June 1, 1790.

³⁰ Elected to fill vacancy caused by death of Theodorick Bland, and took his seat December 7, 1790.

³¹ Continuing from preceding session; reelected July 3, 1840; March 3, 1841.

³² Reelected December 9, 1839.

³³ Elected December 16, 1839.

³⁴ Reelected December 21, 1839.

³⁵ Died April 7, 1840.

³⁶ Elected to fill vacancy caused by death of Thaddeus Betts and took his seat June 2, 1840.

³⁷ Resigned in June 1840 to become associate judge of the court of errors.

³⁸ Elected to fill vacancy caused by resignation of William L. Storrs and took his seat December 7, 1840.

Williams, New London; Thomas B. Osborne, Fairfield; Truman Smith, Litchfield; John H. Brockway, Ellington.

DELAWARE

Senators: Richard H. Bayard,³⁹ Wilmington; Thomas Clayton, New Castle.

Representative: Thomas Robinson, Jr., Georgetown.

GEORGIA

Senators: Alfred Cuthbert, Monticello; Wilson Lumpkin, Athens. Representatives: Julius C. Alford, Lagrange; Edward J. Black, Jacksonboro; Walter T. Colquitt,⁴⁰ Columbus; Hines Holt,⁴¹ Columbus; Mark A. Cooper, Columbus; William C. Dawson, Greensboro; Richard W. Habersham, Clarksville; Thomas Butler King, Waynesville; Eugenius A. Nisbet, Macon; Lott Warren, Palmyra.

ILLINOIS

Senators: John M. Robinson, Carmi; Richard M. Young, Quincy. Representatives: John Reynolds, Cadiz; Zadoc Casey, Mount Vernon; John T. Stuart, Springfield.

INDIANA

Senators: Oliver H. Smith, Indianapolis; Albert S. White, La Fayette.

Representatives: George H. Proffit, Petersburg; John W. Davis, Carlisle; John Carr, Charlestown; Thomas Smith, Versailles; James Rariden, Centerville; William W. Wick, Indianapolis; Tilghman A. Howard,⁴² Rockville; Henry S. Lane,⁴³ Crawfordsville.

KENTUCKY

Senators: Henry Clay, Lexington; John J. Crittenden, Frankfort. Representatives: Linn Boyd, Cadiz; Philip Triplett, Owensboro; Joseph R. Underwood, Bowling Green; Sherrod Williams, Monticello; Simeon H. Anderson,⁴⁴ Lancaster; John B. Thompson,⁴⁵ Harrodsburg; Willis Green, Green; John Pope, Springfield; William J. Graves, New Castle; John White, Richmond; Richard Hawes, Winchester; Landaff W. Andrews, Flemingsburg; Garrett Davis, Paris; William O. Butler, Carrollton.

LOUISIANA

Senators: Robert C. Nicholas, Donaldsonville; Alexander Mouton, Vermilionville.

Representatives: Edward D. White, Thibodaux; Thomas W. Chinn, Baton Rouge; Rice Garland,⁴⁶ Opelousas; John Moore,⁴⁷ Franklin.

MAINE

Senators: John Ruggles, Thomaston; Reuel Williams, Augusta. Representatives: Hugh J. Anderson, Belfast; Nathan Clifford, Newfield; Thomas Davee, Blanchard; George Evans,⁴⁸ Gardiner; Joshua A. Lowell, East Machias; Virgil D. Parris, Buckfield; Benjamin Randall, Bath; Albert Smith, Portland.

MARYLAND

John S. Spence,⁴⁹ Berlin; John L. Kerr,⁵⁰ Easton; William D. Merrick, Allens Fresh.

Representatives: John Dennis, Princess Anne; Philip F. Thomas, Easton, John T. H. Worthington, Shewan; Solomon Hillen, Jr., Baltimore; James Carroll, Baltimore; William Cost Johnson, Jefferson; Francis Thomas, Frederick; Daniel Jenifer, Milton Hill.

MASSACHUSETTS

Senators: Daniel Webster,⁵¹ Boston; Rufus Choate,⁵² Boston; John Davis,⁵³ Worcester; Isaac C. Bates,⁵⁴ Northampton.

Representatives: Abbott Lawrence,⁵⁵ Boston; Robert C. Winthrop,⁵⁶ Boston; Leverett Saltonstall, Salem; Caleb Cushing, Newburyport; William Parmenter, East Cambridge; Levi Lincoln, Wor-

³⁹ Resigned September 19, 1839, to become chief justice of Delaware; reelected to fill vacancy caused by his own resignation, and took his seat January 19, 1841; vacancy in this class from September 19, 1839, to January 11, 1841.

⁴⁰ Resigned July 21, 1840.

⁴¹ Elected to fill vacancy caused by resignation of Walter T. Colquitt, and took his seat February 1, 1841.

⁴² Resigned August 1, 1840.

⁴³ Elected to fill vacancy caused by resignation of Tilghman A. Howard, and took his seat December 7, 1840.

⁴⁴ Died August 11, 1840.

⁴⁵ Elected to fill vacancy caused by death of Simeon H. Anderson, and took his seat December 7, 1840.

⁴⁶ Resigned July 21, 1840.

⁴⁷ Elected to fill vacancy caused by resignation of Rice Garland, and took his seat December 17, 1840.

⁴⁸ Reelected to the Twenty-seventh Congress but resigned, having been elected Senator.

⁴⁹ Died October 24, 1840.

⁵⁰ Elected to fill vacancy caused by death of John S. Spence, and took his seat January 13, 1841.

⁵¹ Resigned, effective February 22, 1841.

⁵² Elected to fill vacancy caused by resignation of Daniel Webster, and took his seat March 1, 1841.

⁵³ Resigned January 5, 1841.

⁵⁴ Elected to fill vacancy caused by resignation of John Davis, and took his seat January 21, 1841.

⁵⁵ Resigned September 18, 1840.

⁵⁶ Elected to fill vacancy caused by resignation of Abbott Lawrence, and took his seat December 7, 1840.

cester; James C. Alvord,⁵⁷ Greenfield; Osmyn Baker,⁵⁸ Amherst; George N. Briggs, Lanesboro; William B. Calhoun, Springfield; William S. Hastings, Mendon; Henry Williams, Taunton; John Reed, Yarmouth; John Quincy Adams, Quincy.

MICHIGAN

Senators: John Norvell, Detroit; Augustus S. Porter,⁵⁹ Detroit. Representative: Isaac E. Crary, Marshall.

MISSISSIPPI

Senators: Robert J. Walker, Madisonville; John Henderson, Pass Christian.

Representatives: Albert G. Brown, Gallatin; Jacob Thompson, Pontotoc.

MISSOURI

Senators: Thomas H. Benton, St. Louis; Lewis F. Linn, Ste. Genevieve.

Representatives: Albert G. Harrison,⁶⁰ Fulton; John Jameson,⁶¹ Fulton; John Miller, Connors Mills.

NEW HAMPSHIRE

Senators: Henry Hubbard, Charleston; Franklin Pierce, Concord. Representatives: Charles G. Atherton, Nashua; Edmund Burke, Newport; Ira A. Eastman, Gilmanton; Tristram Shaw, Exeter; Jared W. Williams, Lancaster.

NEW JERSEY

Senators: Samuel L. Southard, Trenton; Garret D. Wall, Burlington.

Representatives: William R. Cooper, Swedesboro; Philemon Dickerson, Paterson; Joseph Kille, Salem; Joseph F. Randolph, New Brunswick; Daniel B. Ryall, Freehold; Peter D. Vroom, Somerville.

NEW YORK

Senators: Silas Wright, Jr., Canton; Nathaniel P. Tallmadge, Poughkeepsie.

Representatives: Thomas B. Jackson, Newtown; James De la Montanya, Haverstraw; Ogden Hoffman, New York City; Edward Curtis, New York City; Moses H. Grinnell, New York City; James Monroe, New York City; Gouverneur Kemble, Cold Spring; Charles Johnston, Poughkeepsie; Nathaniel Jones, Warwick; Rufus Palen, Fallsburg; Aaron Vanderpoel, Kinderhook; John Ely, Coxsackie; Hiram P. Hunt, Troy; Daniel D. Barnard, Albany; Anson Brown,⁶² Ballston; Nicholas B. Doe,⁶³ Waterford; David A. Russell, Salem; Augustus C. Hand, Elizabethtown; John Fine, Ogdensburg; Peter J. Wagner, Fort Plain; Andrew W. Doig, Lowville; John G. Floyd, Utica; David P. Brewster, Oswego; Thomas C. Chittenden, Adams; John H. Prentiss, Cooperstown; Judson Allen, Harpersville; John C. Clark, Bainbridge; Stephen B. Leonard, Owego; Amasa Dana, Ithaca; Edward Rogers, Madison; Nehemiah H. Earle, Syracuse; Christopher Morgan, Aurora; Theron R. Strong, Palmyra; Frances Granger, Canandaigua; Meredith Mallory, Hammondsport; Thomas Kempshall, Rochester; Seth M. Gates, Leroy; Luther C. Peck, Pike; Richard P. Marvin, Jamestown; Millard Fillmore, Buffalo; Charles F. Mitchell, Lockport.

NORTH CAROLINA

Senators: Bedford Brown,⁶⁴ Browns Store; Willie P. Mangum,⁶⁵ Red Mountain; Robert Strange,⁶⁶ Fayetteville; William A. Graham,⁶⁷ Hillsboro.

Representatives: Kenneth Rayner, Winton; Jesse A. Bynum, Halifax; Edward Stanly, Washington; Charles B. Shepard, New Bern; James I. McKay, Elizabethtown; Micajah T. Hawkins, Warrenton; Edmund Deberry, Lawrenceville; William Montgomery, Albrights; John Hill, Germantown; Charles Fisher, Salisbury; Henry W. Connor, Sherrills Ford; James Graham, Rutherfordton; Lewis Williams, Panther Creek.

OHIO

Senators: William Allen, Chillicothe; Benjamin Tappan, Steubenville.

⁵⁷ Died September 27, 1839, before Congress assembled.

⁵⁸ Elected to fill vacancy caused by death of James C. Alvord, and took his seat January 14, 1840.

⁵⁹ Elected to fill vacancy in term commencing March 4, 1839, caused by failure of legislature to elect, and took his seat February 7, 1840; vacancy in this class from March 4, 1839, to January 19, 1840.

⁶⁰ Died September 7, 1839.

⁶¹ Elected to fill vacancy caused by death of Albert G. Harrison, and took his seat December 12, 1839.

⁶² Messrs. Aycrigg, Maxwell, Halsted, Stratton, and Yorke contested the election of Messrs. Vroom, Dickerson, Kille, Cooper, and Ryall; the House at first declined to seat either set of candidates, but by resolution of March 10, 1840, the five last named were admitted "without prejudice to the final rights of the claimants," and on July 17, 1840, were adjudged entitled to their seats.

⁶³ Died June 14, 1840.

⁶⁴ Elected to fill vacancy caused by death of Anson Brown, and took his seat December 7, 1840.

⁶⁵ Resigned, effective November 16, 1840.

⁶⁶ Elected to fill vacancy caused by resignation of Bedford Brown, and took his seat December 9, 1840.

⁶⁷ Resigned, effective November 16, 1840.

⁶⁸ Elected to fill vacancy caused by resignation of Robert Strange, and took his seat December 10, 1840.

Representatives: Alexander Duncan, Cincinnati; John B. Weller, Hamilton; Patrick G. Goode, Sidney; Thomas Corwin,⁸⁰ Lebanon; Jeremiah Morrow,⁷⁰ Twentymile Stand; William Doan, Withamsville; Calvary Morris, Athens; William K. Bond, Chillicothe; Joseph Ridgway, Columbus; William Medill, Lancaster; Samson Mason, Springfield; Isaac Parrish, Cambridge; Jonathan Taylor, Newark; Daniel P. Leadbetter, Millersburg; George Sweeney, Bucyrus; John W. Allen, Cleveland; Joshua R. Giddings, Jefferson; John Hastings, Salem; David A. Starkweather, Canton; Henry Swearingen, Smithfield.

PENNSYLVANIA

Senators: James Buchanan, Lancaster; Daniel Sturgeon,⁷¹ Uniontown.

Representatives: Lemuel Paynter, Philadelphia; John Sergeant, Philadelphia; George W. Toland, Philadelphia; Charles Naylor,⁷² Philadelphia; Edward Davies, Churchtown; John Edwards, Ivy Mills; Francis James, West Chester; Joseph Fornance, Norristown; John Davis, Davisville; David D. Wagener, Easton; Peter Newhard, Allentown; George M. Keim, Reading; William Simonton, Hummelstown; James Gerry, Shrewsbury; James Cooper, Gettysburg; William S. Ramsey,⁷³ Carlisle; Charles McClure,⁷⁴ Carlisle; William W. Potter,⁷⁵ Philadelphia; George McCulloch,⁷⁶ Center Line; David Petrikin, Danville; Robert H. Hammond, Milton; Samuel W. Morris, Wellsboro; Charles Ogle, Somerset; Albert G. Marchand, Greensburg; Enos Hook, Waynesburg; Isaac Leet, Washington; Richard Biddle,⁷⁷ Pittsburgh; Henry M. Brackenridge,⁷⁸ Tarentum; William Beatty, Butler; Thomas Henry, Beaver; John Galbraith, Erie.

RHODE ISLAND

Senators: Nehemiah R. Knight, Providence; Nathan F. Dixon, Westerly.

Representatives: Robert B. Cranston, Newport; Joseph L. Tilghast, Providence.

SOUTH CAROLINA

Senators: John C. Calhoun, Fort Hill; William C. Preston, Columbia.

Representatives: Sampson H. Butler, Barnwell; John Campbell, Parnassas; John K. Griffin, Newberry; Isaac E. Holmes, Charleston; Francis W. Pickens, Edgefield; R. Barnwell Rhett, Blue House; James Rogers, Maybinton; Thomas D. Sumter, Slatersburg; Waddy Thompson, Jr., Greenville.

TENNESSEE

Senators: Hugh Lawson White,⁷⁹ Knoxville; Alexander Anderson,⁸⁰ Knoxville; Felix Grundy,⁸¹ Nashville; Alfred O. P. Nicholson,⁸² Columbia.

Representatives: William B. Carter, Elizabethton; Abraham McClellan, Blountsville; Joseph L. Williams, Knoxville; Julius W. Blackwell, Athens; Hopkins T. Turney, Winchester; William B. Campbell, Carthage; John Bell, Nashville; Meredith P. Gentry, Harpeth; Harvey M. Watterson, Shelbyville; Aaron V. Brown, Pulaski; Cave Johnson, Clarksville; John W. Crockett, Trenton; Christopher H. Williams, Lexington.

VERMONT

Senators: Samuel Prentiss, Montpelier; Samuel S. Phelps, Middlebury.

Representatives: Hilland Hall, Bennington; William Slade, Middlebury; Horace Everett, Windsor; John Smith, St. Albans; Isaac Fletcher, Lyndon.

VIRGINIA

Senators: William H. Roane, Richmond; William C. Rives,⁸³ Lindsays Store.

Representatives: Lin Banks, Madison; Andrew Belrne, Union; John M. Botts, Richmond; Walter Coles, Robertsons Store; Robert

⁸⁰ Resigned, effective May 30, 1840.

⁷⁰ Elected to fill vacancy caused by resignation of Thomas Corwin, and took his seat December 7, 1840.

⁷¹ Elected January 14, 1840, to fill vacancy in the term commencing March 4, 1839, caused by failure of the legislature to elect, and took his seat January 24, 1840.

⁷² Election unsuccessfully contested by Charles J. Ingersoll.

⁷³ Died, October 17, 1840, before the commencement of the Twenty-seventh Congress, to which he had been reelected.

⁷⁴ Elected to fill vacancy caused by death of William S. Ramsey, and took his seat December 7, 1840.

⁷⁵ Died, October 28, 1839, before Congress assembled.

⁷⁶ Elected to fill vacancy caused by death of William W. Potter, and took his seat December 2, 1839.

⁷⁷ Resigned in 1840.

⁷⁸ Elected to fill vacancy caused by resignation of Richard Biddle, and took his seat December 10, 1840.

⁷⁹ Resigned January 13, 1840.

⁸⁰ Elected to fill vacancy caused by resignation of Hugh L. White, and took his seat February 26, 1840.

⁸¹ Elected to fill vacancy in the term commencing March 4, 1839, caused by resignation of Ephraim H. Foster, in preceding Congress, and took his seat January 3, 1840; vacancy in this class from March 4 to December 14, 1839; died December 19, 1840.

⁸² Appointed to fill vacancy caused by death of Felix Grundy, and took his seat January 11, 1841.

⁸³ Elected to fill vacancy in term commencing March 4, 1839, caused by failure of legislature to elect, and took his seat January 30, 1841; vacancy in this class from March 4, 1839, to January 18, 1841.

Craig, Christiansburg; George C. Dromgoole, Gholsonville; James Garland, Lovington; William L. Goggin, Liberty; John Hill, Buckingham; Joel Holleman,⁸⁴ Burnwell Bay; Francis Mallory,⁸⁵ Hampton; George W. Hopkins, Lebanon; Robert M. T. Hunter, Lloyds; Joseph Johnson, Bridgeport; John W. Jones, Petersburg; William Lucas, Charlestown; Charles F. Mercer,⁸⁶ Aldie; William M. McCarty,⁸⁷ Alexandria; Francis E. Rives, Littleton; Green B. Samuel, Woodstock; Lewis Steenrod, Wheeling; John Talliaferro, Fredericksburg; Henry A. Wise, Accomac.

TERRITORY OF FLORIDA

Delegate: Charles Downing, St. Augustine.

TERRITORY OF IOWA

Delegates: William W. Chapman,⁸⁸ Burlington; Augustus C. Dodge,⁸⁹ Burlington.

TERRITORY OF WISCONSIN

Delegate: James D. Doty, Ashton.

FIFTY-FIRST CONGRESS—MARCH 4, 1889, TO MARCH 3, 1891

First session December 2, 1889, to October 1, 1890; second session, December 1, 1890, to March 2, 1891; special session of the Senate, March 4, 1889, to April 2, 1889.

Vice President of the United States: Levi P. Morton, of New York. Presidents pro tempore of the Senate: John J. Ingalls,² of Kansas; Charles F. Manderson,³ of Nebraska.

Secretary of the Senate: Anson G. McCook, of New York.

Speaker of the House of Representatives: Thomas B. Reed,⁴ of Maine.

Clerks of the House: John B. Clark, Jr., of Missouri; Edward McPherson,⁵ of Pennsylvania.

ALABAMA

Senators: John T. Morgan, Selma; James L. Pugh, Eufaula. Representatives: Richard H. Clarke,⁶ Mobile; Hilary A. Herbert, Montgomery; William C. Oates, Abbeville; Louis W. Turpin,⁷ Newbern; John V. McDuffie,⁸ Hayneville; James E. Cobb, Tuskegee; John H. Bankhead, Fayette; William H. Forney, Jacksonville; Joseph Wheeler, Wheeler.

ARKANSAS

Senators: James K. Jones, Washington; James H. Berry, Bentonville.

Representatives: William H. Cate,⁹ Jonesboro; Lewis P. Featherston,¹⁰ Forest City; Clifton R. Breckinridge,¹⁰ Pine Bluff; Thomas C. McRae, Prescott; John H. Rogers, Fort Smith; Samuel W. Peel, Bentonville.

CALIFORNIA

Senators: Leland Stanford, San Francisco; George Hearst,¹¹ San Francisco.

Representatives: John J. De Haven,¹² Eureka; Thomas J. Geary,¹³ Santa Rosa; Marion Biggs, Gridley; Joseph McKenna, Suisun; William W. Morrow, San Francisco; Thomas J. Clunie, San Francisco; William Vandever, San Buenaventura.

COLORADO

Senators: Henry M. Teller, Central City; Edward O. Wolcott, Denver.

Representative: Hosea Townsend, Silver Cliff.

⁸⁴ Resigned in 1840.

⁸⁵ Elected to fill vacancy caused by resignation of Joel Holleman, and took his seat January 7, 1841.

⁸⁶ Resigned December 26, 1839.

⁸⁷ Elected to fill vacancy caused by resignation of Charles F. Mercer, and took his seat January 25, 1840.

⁸⁸ Served until October 27, 1840, when his term expired under the provisions of the act of March 3, 1839.

⁸⁹ Elected in compliance with the act of March 3, 1839, and took his seat December 8, 1840.

¹ Elected March 7, 1889, and April 2, 1889 (special session of the Senate); February 28, 1890, and April 3, 1890; resigned as President pro tempore, effective March 2, 1891.

² Elected March 2, 1891.

³ Elected December 2, 1889.

⁴ Elected December 2, 1889.

⁵ Election unsuccessfully contested by Frank H. Threest.

⁶ Served until June 4, 1890; succeeded by John V. McDuffie, who contested his election.

⁷ Successfully contested the election of Louis W. Turpin, and took his seat June 4, 1890.

⁸ Served until March 5, 1890; succeeded by Lewis P. Featherston, who contested his election.

⁹ Successfully contested the election of William H. Cate, and took his seat March 5, 1890.

¹⁰ Election contested by John M. Clayton, who died January 29, 1889 (before the beginning of the congressional term), while case was pending; served until September 5, 1890, when Clayton was declared to have been elected and the seat vacant; subsequently elected to fill vacancy caused by death of John M. Clayton, and took his seat December 1, 1890.

¹¹ Died February 28, 1891.

¹² Resigned October 1, 1890.

¹³ Elected to fill vacancy caused by resignation of John J. De Haven, and took his seat December 9, 1890.

CONNECTICUT

Senators: Orville H. Platt, Meriden; Joseph R. Hawley, Hartford.
Representatives: William E. Simonds, Canton; Washington F. Willcox, Chester; Charles A. Russell, Killingly; Frederick Miles, Chapinville.

DELAWARE

Senators: George Gray, New Castle; Anthony Higgins, Wilmington.
Representative: John B. Pennington, Dover.

FLORIDA

Senators: Wilkinson Call, Jacksonville; Samuel Pasco, Monticello.
Representatives: Robert H. M. Davidson, Quincy; Robert Bullock, Ocala.

GEORGIA

Senators: Joseph E. Brown, Atlanta; Alfred H. Colquitt, Atlanta.
Representatives: Rufus E. Lester, Savannah; Henry G. Turner, Quitman; Charles F. Crisp, Americus; Thomas W. Grimes, Columbus; John D. Stewart, Griffin; James H. Blount, Macon; Judson C. Clements, Rome; Henry H. Carlton, Athens; Allen D. Candler, Gainesville; George T. Barnes, Augusta.

IDAHO¹⁴

Senators: ¹⁵ George L. Shoup, ¹⁶ Salmon City; William J. McConnell, ¹⁷ Moscow.
Representative: Willis Sweet, ¹⁸ Moscow.

ILLINOIS

Senators: Shelby M. Cullom, Springfield; Charles B. Farwell, Chicago.

Representatives: Abner Taylor, Chicago; Frank Lawler, Chicago; William E. Mason, Chicago; George E. Adams, Chicago; Albert J. Hopkins, Aurora; Robert R. Hitt, Mount Morris; Thomas J. Henderson, Princeton; Charles A. Hill, Joliet; Lewis E. Payson, Pontiac; Philip S. Post, Galesburg; William H. Gest, Rock Island; Scott Wike, Pittsfield; William M. Springer, Springfield; Jonathan H. Rowell, Bloomington; Joseph G. Cannon, Danville; George W. Fithian, Newton; Edward Lane, Hillsboro; William S. Forman, Nashville; Richard W. Townshend, ¹⁹ Shawneetown; James R. Williams, ²⁰ Carmi; George W. Smith, Murphysboro.

INDIANA

Senators: Daniel W. Voorhees, Terre Haute; David Turpie, Indianapolis.

Representatives: William F. Parrett, ²¹ Evansville; John H. O'Neill, Washington; Jason B. Brown, Seymour; William S. Holman, Aurora; George W. Cooper, Columbus; Thomas M. Browne, Winchester; William D. Bynum, Indianapolis; Elijah V. Brookshire, Crawfordville; Joseph B. Cheadle, Frankfort; William D. Owen, Logansport; Augustus N. Martin, Bluffton; Charles A. O. McClellan, Auburn; Benjamin F. Shively, South Bend.

IOWA

Senators: William B. Allison, Dubuque; James F. Wilson, Fairfield.

Representatives: John H. Gear, Burlington; Walter I. Hayes, Clinton; David B. Henderson, Dubuque; Joseph H. Sweney, Osage; Daniel Kerr, Grundy Center; John F. Lacey, Oskaloosa; Edwin H. Conger, ²² Des Moines; Edward R. Hays, ²³ Knoxville; James P. Flick, Bedford; Joseph R. Reed, Council Bluffs; Jonathan P. Dolliver, Fort Dodge; Isaac S. Struble, Le Mars.

KANSAS

Senators: John J. Ingalls, Atchison; Preston B. Plumb, Emporia.
Representatives: Edmund N. Morrill, Hiawatha; Edward H. Funston, Iola; Bishop W. Perkins, Oswego; Thomas Ryan, ²⁴ Topeka; Harrison Kelley, ²⁵ Burlington; John A. Anderson, Manhattan; Erasmus J. Turner, Hoxie; Samuel R. Peters, Newton.

KENTUCKY

Senators: James B. Beck, ²⁶ Lexington; John G. Carlisle, ²⁷ Covington; Joseph C. S. Blackburn, Versailles.

¹⁴ Admitted as a State into the Union July 3, 1890.

¹⁵ In addition to the Senators named the credentials of Fred T. Dubois, who had been elected "for the term of 6 years from March 4, 1891," were presented December 30, 1890, but the Senate refused to consider them prior to the beginning of the Fifty-second Congress, when they were to become effective.

¹⁶ Took his seat December 29, 1890; term to expire, as determined by lot, March 3, 1895.

¹⁷ Took his seat January 5, 1891; term to expire, as determined by lot, March 3, 1891.

¹⁸ Took his seat December 1, 1890.

¹⁹ Died March 9, 1889, before Congress assembled.

²⁰ Elected to fill vacancy caused by death of Richard W. Townshend, and took his seat December 2, 1889.

²¹ Election unsuccessfully contested by Francis B. Posey.

²² Resigned October 3, 1890.

²³ Elected to fill vacancy caused by resignation of Edwin H. Conger, and took his seat December 1, 1890.

²⁴ Resigned April 4, 1889, before Congress assembled.

²⁵ Elected to fill vacancy caused by resignation of Thomas Ryan, and took his seat December 2, 1889.

²⁶ Died May 3, 1890.

²⁷ Elected to fill vacancy caused by death of James B. Beck, and took his seat May 26, 1890.

Representatives: William J. Stone, Kuttawa; William T. Ellis, Owensboro; Isaac H. Goodnight, Franklin; Alexander B. Montgomery, Elizabethtown; Asher G. Caruth, Louisville; John G. Carlisle, ²⁸ Covington; William W. Dickerson, ²⁹ Williamstown; William C. P. Breckinridge, Lexington; James B. McCreary, Richmond; Thomas H. Paynter, Greenup; John H. Wilson, Barbourville; Hugh F. Finley, Williamsburg.

LOUISIANA

Senators: Randall L. Gibson, New Orleans; James B. Eustis, New Orleans.

Representatives: Theodore S. Wilkinson, Plaquemines Parish; Hamilton D. Coleman, New Orleans; Edward J. Gay, ³⁰ Plaquemine; Andrew Price, ³¹ Thibodaux; Newton C. Blanchard, Shreveport; Charles J. Boatner, Monroe; Samuel M. Robertson, Baton Rouge.

MAINE

Senators: Eugene Hale, Ellsworth; William P. Frye, Lewiston.
Representatives: Thomas B. Reed, Portland; Nelson Dingley, Jr., Lewiston; Seth L. Milliken, Belfast; Charles A. Boutelle, Bangor.

MARYLAND

Senators: Arthur Pue Gorman, Laurel; Ephraim K. Wilson, ³² Snow Hill.

Representatives: Charles H. Gibson, Easton; Herman Stump, Belair; Harry W. Rusk, Baltimore; Henry Stockbridge, Jr., Baltimore; Barnes Compton, ³³ Laurel; Sydney E. Mudd, ³⁴ Bryantown; Louis E. McComas, Hagerstown.

MASSACHUSETTS

Senators: Henry L. Dawes, Pittsfield; George F. Hoar, Worcester.

Representatives: Charles S. Randall, New Bedford; Elijah A. Morse, Canton; John F. Andrew, Boston; Joseph H. O'Neill, Boston; Nathaniel P. Banks, Waltham; Henry Cabot Lodge, Nahant; William Cogswell, Salem; Frederic T. Greenhalge, Lowell; John W. Candler, Brookline; Joseph H. Walker, Worcester; Rodney Wallace, Fitchburg; Francis W. Rockwell, Pittsfield.

MICHIGAN

Senators: Francis B. Stockbridge, Kalamazoo; James McMillan, Detroit.

Representatives: J. Logan Chipman, Detroit; Edward P. Allen, Ypsilanti; James O'Donnell, Jackson; Julius C. Burrows, Kalamazoo; Charles E. Belknap, Grand Rapids; Mark S. Brewer, Pontiac; Justin R. Whiting, St. Clair; Aaron T. Bliss, Saginaw; Byron M. Cutcheon, Manistee; Frank W. Wheeler, West Bay City; Samuel M. Stephenson, Menominee.

MINNESOTA

Senators: Cushman K. Davis, St. Paul; William D. Washburn, Minneapolis.

Representatives: Mark H. Dunnell, Owatonna; John Lind, New Ulm; Darwin S. Hall, Stewart; Samuel P. Snider, Minneapolis; Solomon G. Comstock, Moorhead.

MISSISSIPPI

Senators: James Z. George, Carrollton; Edward C. Walthall, Grenada.

Representatives: John M. Allen, Tupelo; James B. Morgan, ³⁵ Hernando; Thomas C. Catchings, Vicksburg; Clarke Lewis, Cliftonville; Chapman L. Anderson, Kosciusko; Thomas R. Stockdale, Summit; Charles E. Hooker, Jackson.

MISSOURI

Senators: Francis M. Cockrell, Warrensburg; George G. Vest, Kansas City.

Representatives: William H. Hatch, Hannibal; Charles H. Mansur, Chillicothe; Alexander M. Dockery, Gallatin; Robert P. C. Wilson, ³⁶ Platte City; John C. Tarsney, Kansas City; John T. Heard, Sedalia; Richard H. Norton, Troy; Frederick G. Niedringhaus, St. Louis; Nathan Frank, St. Louis; William M. Kinsey, St. Louis; Richard P. Bland, Lebanon; William J. Stone, Nevada; William H. Wade, Springfield; James P. Walker, ³⁷ Dexter; Robert H. Whitelaw, ³⁸ Cape Girardeau.

²⁸ Resigned May 26, 1890, having been elected Senator.

²⁹ Elected to fill vacancy caused by resignation of John G. Carlisle, and took his seat June 30, 1890.

³⁰ Died May 30, 1889, before Congress assembled.

³¹ Elected to fill vacancy caused by death of Edward J. Gay, and took his seat December 2, 1889.

³² Died February 24, 1891; had been reelected for the term beginning March 4, 1893.

³³ Served until March 20, 1890; succeeded by Sydney E. Mudd, who contested his election.

³⁴ Successfully contested the election of Barnes Compton, and took his seat March 20, 1890.

³⁵ Election unsuccessfully contested by James R. Chalmers.

³⁶ Elected to fill vacancy caused by death of Representative-elect James N. Burnes, in the preceding Congress, and took his seat December 2, 1889.

³⁷ Died July 20, 1890.

³⁸ Elected to fill vacancy caused by death of James P. Walker, and took his seat December 1, 1890.

MONTANA³⁹

Senators: ⁴⁰ Thomas C. Power,⁴¹ Helena; Wilbur F. Sanders,⁴² Helena.

Representative: Thomas H. Carter,⁴³ Helena.

NEBRASKA

Senators: Charles F. Manderson, Omaha; Algernon S. Paddock, Beatrice.

Representatives: William J. Connell, Omaha; James Laird,⁴⁴ Hastings; Gilbert L. Laws,⁴⁵ McCook; George W. E. Dorsey, Fremont.

NEVADA

Senators: John P. Jones, Gold Hill; William M. Stewart, Carson City.

Representative: Horace F. Bartine, Carson City.

NEW HAMPSHIRE

Senators: Henry W. Blair, Manchester; Gilman Marston,⁴⁶ Exeter; William E. Chandler,⁴⁷ Concord.

Representatives: Alonzo Nute, Farmington; Orren C. Moore, Nashua.

NEW JERSEY

Senators: John R. McPherson, Jersey City; Rufus Blodgett, Long Branch.

Representatives: Christopher A. Bergen, Camden; James Buchanan, Trenton; Jacob A. Geissenhainer, Freehold; Samuel Fowler, Newton; Charles D. Beckwith, Paterson; Herman Lehlbach, Newark; William McAdoo, Jersey City.

NEW YORK

Senators: William M. Everts, New York City; Frank Hiscock, Syracuse.

Representatives: James W. Covert, Long Island City; Felix Campbell, Brooklyn; William C. Wallace, Brooklyn; John M. Clancy, Brooklyn; Thomas F. Wagner, Brooklyn; Frank T. Fitzgerald,⁴⁸ New York City; Charles H. Turner,⁴⁹ New York City; Edward J. Dunphy, New York City; John H. McCarthy,⁵⁰ New York City; Samuel S. Cox,⁵¹ New York City; Amos J. Cummings,⁵² New York City; Francis B. Spinola, New York City; John Quinn, New York City; Roswell P. Flower, New York City; Ashbel P. Fitch, New York City; William G. Stahlnecker, Yonkers; Moses D. Stivers, Middletown; John H. Ketcham, Dover Plains; Charles J. Knapp, Deposit; John A. Quackenbush, Stillwater; Charles Tracey, Albany; John Sanford, Amsterdam; John H. Moffitt, Chateaugay Lake; Frederick Lansing, Watertown; James S. Sherman, Utica; David Wilber,⁵³ Oneonta; John S. Pindar,⁵⁴ Cobleskill; James J. Belden, Syracuse; Milton De Lano, Canastota; Newton D. Nutting,⁵⁵ Oswego; Sereno E. Payne,⁵⁶ Auburn; Thomas S. Flood, Elmira; John Raines, Canandaigua; Charles S. Baker, Rochester; John G. Sawyer, Albion; John M. Farquhar, Buffalo; John McC. Wiley, East Aurora; William G. Laidlaw, Ellicottville.

NORTH CAROLINA

Senators: Matt W. Ransom, Weldon; Zebulon B. Vance, Charlotte.

Representatives: Thomas G. Skinner, Hertford; Henry P. Cheatham, Henderson; Charles W. McClammy, Scotts Hill; Benjamin H. Bunn, Rocky Mount; John M. Brower, Mount Airy; Alfred Rowland, Lumberton; John S. Henderson, Salisbury; William H. H. Cowles, Wilkesboro; Hamilton G. Ewart, Hendersonville.

³⁹ Admitted as a State into the Union November 8, 1889.

⁴⁰ William A. Clark and Martin Maginnis presented papers purporting to be credentials of their election January 23, 1890; the four claimants were given privileges of the floor pending the contest; by resolutions of April 16, 1890, Clark and Maginnis were declared not entitled to seats and Power and Sanders entitled thereto.

⁴¹ Took his seat April 16, 1890; term to expire, as determined by lot, March 3, 1895.

⁴² Took his seat April 16, 1890; term to expire, as determined by lot, March 3, 1893.

⁴³ Took his seat December 2, 1889.

⁴⁴ Died August 17, 1889, before Congress assembled.

⁴⁵ Elected to fill vacancy caused by death of James Laird, and took his seat December 2, 1889.

⁴⁶ Appointed to fill vacancy in term beginning March 4, 1889, during the recess of the legislature.

⁴⁷ Elected to fill vacancy in the term beginning March 4, 1889, and took his seat December 2, 1889.

⁴⁸ Resigned November 4, 1889, before Congress assembled.

⁴⁹ Elected to fill vacancy caused by resignation of Frank T. Fitzgerald, and took his seat December 9, 1889.

⁵⁰ Resigned January 14, 1891.

⁵¹ Died September 10, 1889, before Congress assembled.

⁵² Elected to fill vacancy caused by death of Samuel S. Cox, and took his seat December 2, 1889.

⁵³ Died April 1, 1890.

⁵⁴ Elected to fill vacancy caused by death of David Wilber, and took his seat December 1, 1890.

⁵⁵ Died October 15, 1889, before Congress assembled.

⁵⁶ Elected to fill vacancy caused by death of Newton W. Nutting, and took his seat December 2, 1889.

NORTH DAKOTA⁵⁷

Senators: Lyman R. Casey,⁵⁸ Jamestown; Gilbert A. Pierce,⁵⁹ Fargo. Representative at Large: Henry C. Hansbrough,⁶⁰ Devils Lake.

OHIO

Senators: John Sherman, Mansfield; Henry B. Payne, Cleveland. Representatives: Benjamin Butterworth, Cincinnati; John A. Caldwell, Cincinnati; Elihu S. Williams, Troy; Samuel S. Yoder, Lima; George E. Seney, Tiffin; Melvin M. Boothman, Bryan; Henry L. Morey, Hamilton; Robert P. Kennedy, Bellefontaine; William C. Cooper, Mount Vernon; William E. Haynes, Fremont; Albert C. Thompson, Portsmouth; Jacob J. Pugsley, Hillsboro; Joseph H. Outhwaite, Columbus; Charles P. Wickham, Norwalk; Charles H. Grosvenor, Athens; James W. Owens, Newark; Joseph D. Taylor, Cambridge; William McKinley, Jr., Canton; Ezra B. Taylor, Warren; Martin L. Smyser, Wooster; Theodore E. Burton, Cleveland.

OREGON

Senators: Joseph N. Dolph, Portland; John H. Mitchell, Portland.

Representative at Large: Binger Hermann, Roseburg.

PENNSYLVANIA

Senators: J. Donald Cameron, Harrisburg; Matthew S. Quay, Beaver.

Representatives: Henry H. Bingham, Philadelphia; Charles O'Neill, Philadelphia; Samuel J. Randall,⁶¹ Philadelphia; Richard Vaux,⁶² Philadelphia; William D. Kelley,⁶³ Philadelphia; John E. Reyburn,⁶⁴ Philadelphia; Alfred C. Harmer, Philadelphia; Smedley Darlington, West Chester; Robert M. Yardley, Doylestown; William Mutchler, Easton; David B. Brunner, Reading; Marriott Brosius, Lancaster; Joseph A. Scranton, Scranton; Edwin S. Osborne, Wilkes-Barre; James B. Reilly, Pottsville; John W. Rife, Middletown; Myron B. Wright, Susquehanna; Henry C. McCormick, Williamsport; Charles R. Buckalew, Bloomsburg; Louis E. Atkinson, Mifflintown; Levi Maish, York; Edward Scull, Somerset; Samuel A. Craig, Brookville; John Dalzell, Pittsburgh; Thomas M. Bayne, Allegheny; Joseph W. Ray, Waynesburg; Charles C. Townsend, New Brighton; William C. Culbertson, Girard; Lewis F. Watson,⁶⁵ Warren; Charles W. Stone,⁶⁶ Warren; James Kerr, Clearfield.

RHODE ISLAND

Senators: Nelson W. Aldrich, Providence; Jonathan Chace,⁶⁷ Providence; Nathan F. Dixon,⁶⁸ Westerly.

Representatives: Henry J. Spooner, Providence; Warren O. Arnold, Gloucester.

SOUTH CAROLINA

Senators: Matthew C. Butler, Edgefield; Wade Hampton, Charleston.

Representatives: Samuel Dibble, Orangeburg; George D. Tillman, Clarks Hill; James S. Cothran, Abbeville; William H. Perry, Greenville; John J. Hemphill, Chester; George W. Dargan, Darlington; William Elliott,⁶⁹ Beaufort; Thomas E. Miller,⁷⁰ Beaufort.

SOUTH DAKOTA⁷¹

Senators: Richard F. Pettigrew,⁷² Sioux Falls; Gideon C. Moody,⁷³ Deadwood.

Representatives: Oscar S. Gifford,⁷⁴ Canton; John A. Pickler,⁷⁴ Faulkton.

TENNESSEE

Senators: Isham G. Harris, Memphis; William B. Bate, Nashville. Representatives: Alfred A. Taylor, Johnson City; Leonidas C. Houk, Knoxville; H. Clay Evans, Chattanooga; Benton McMillan,

⁵⁷ Formed from a portion of the Territory of Dakota, and admitted as a State into the Union November 2, 1889.

⁵⁸ Took his seat December 4, 1889; term to expire, as determined by lot, March 3, 1893.

⁵⁹ Took his seat December 4, 1889; term to expire, as determined by lot, March 3, 1891.

⁶⁰ Took his seat December 2, 1889.

⁶¹ Died April 13, 1890.

⁶² Elected to fill vacancy caused by death of Samuel J. Randall, and took his seat February 24, 1890.

⁶³ Died January 9, 1890.

⁶⁴ Elected to fill vacancy caused by death of William D. Kelley, and took his seat February 24, 1890.

⁶⁵ Died August 25, 1890.

⁶⁶ Elected to fill vacancy caused by death of Lewis F. Watson, and took his seat December 1, 1890.

⁶⁷ Resigned April 9, 1889.

⁶⁸ Elected to fill vacancy caused by resignation of Jonathan Chace, and took his seat December 2, 1889.

⁶⁹ Served until September 23, 1890; succeeded by Thomas E. Miller, who contested his election.

⁷⁰ Successfully contested the election of William Elliott, and took his seat September 24, 1890.

⁷¹ Formed from a portion of the Territory of Dakota, and admitted as a State into the Union November 2, 1889.

⁷² Took his seat December 2, 1889; term to expire, as determined by lot, March 3, 1895.

⁷³ Took his seat December 2, 1889; term to expire, as determined by lot, March 3, 1891.

⁷⁴ Took his seat December 2, 1889.

Carthage; James D. Richardson, Murfreesboro; Joseph E. Washington, Cedar Hill; Washington C. Whitthorne, Columbia; Benjamin A. Enloe, Jackson; Rice A. Pierce, Union City; James Phelan,⁷⁵ Memphis.

TEXAS

Senators: Richard Coke, Waco; John H. Reagan, Palestine.
Representatives: Charles Stewart, Houston; William H. Martin, Athens; Constantine B. Kilgore, Willis Point; David B. Culberson, Jefferson; Silas Hare, Sherman; Jo Abbott, Hillsboro; William H. Crain, Cuero; Littleton W. Moore, Lagrange; Roger Q. Mills, Corsicana; Joseph D. Sayers, Bastrop; Samuel W. T. Lanham, Weatherford.

VERMONT

Senators: George F. Edmunds, Burlington; Justin S. Morrill, Strafford.
Representatives: John W. Stewart, Middlebury; William W. Grout, Barton.

VIRGINIA

Senators: John W. Daniel, Lynchburg; John S. Barbour, Alexandria. Representatives: Thomas H. B. Browne, Accomac; George E. Bowden, Norfolk; George D. Wise,⁷⁶ Richmond; Edmund Waddill, Jr.,⁷⁷ Richmond; Edward C. Venable,⁷⁸ Petersburg; John M. Langston,⁷⁹ Petersburg; Posey C. Lester, Floyd; Paul C. Edmunds, Halifax; Charles T. O'Ferrall, Harrisonburg; William H. F. Lee, Burkes Station; John A. Buchanan,⁸⁰ Abingdon; Henry St. George Tucker, Staunton.

WASHINGTON⁸¹

Senators: John B. Allen,⁸² Walla Walla; Watson C. Squire,⁸³ Seattle.
Representative at Large: John L. Wilson,⁸⁴ Spokane Falls.

WEST VIRGINIA

Senators: John E. Kenna, Charleston; Charles J. Faulkner, Martinsburg. Representatives: John O. Pendleton,⁸⁵ Wheeling; George W. Atkinson,⁸⁶ Wheeling; William L. Wilson, Charles Town; John D. Alderson, Nicholas; J. Monroe Jackson,⁸⁷ Parkersburg; Charles B. Smith,⁸⁸ Parkersburg.

WISCONSIN

Senators: Philetus Sawyer, Oshkosh; John C. Spooner, Hudson. Representatives: Lucien B. Caswell, Fort Atkinson; Charles Barwig, Mayville; Robert M. La Follette, Madison; Isaac W. Van Schaick, Milwaukee; George H. Brickner, Sheboygan Falls; Charles B. Clark, Neenah; Ormsby B. Thomas, Prairie du Chien; Nils P. Haugen, River Falls; Myron H. McCord, Merrill.

WYOMING⁸⁹

Senators: Joseph M. Carey,⁹⁰ Cheyenne; Francis E. Warren,⁹¹ Cheyenne.

Representative at Large: Clarence D. Clark,⁹² Evanston.

TERRITORY OF ARIZONA

Delegate: Marcus A. Smith, Tombstone.

TERRITORY OF DAKOTA

Delegate: George A. Mathews,⁹³ Brookings.

⁷⁵ Died January 30, 1891.

⁷⁶ Served until April 10, 1890; succeeded by Edmond Waddill, Jr., who contested his election.

⁷⁷ Successfully contested the election of George D. Wise, and took his seat April 12, 1890.

⁷⁸ Served until September 23, 1890; succeeded by John M. Langston, who contested his election.

⁷⁹ Successfully contested the election of Edward C. Venable, and took his seat September 23, 1890. It was in connection with this case that the minority party adopted for the first time the plan of withdrawing in a body from the Hall of the House, to avoid being counted as part of a quorum.

⁸⁰ Election unsuccessfully contested by Henry Bowen.

⁸¹ Admitted as a State into the Union November 11, 1889.

⁸² Took his seat December 2, 1889; term to expire, as determined by lot, March 3, 1893.

⁸³ Took his seat December 2, 1889; term to expire, as determined by lot, March 3, 1891.

⁸⁴ Took his seat December 2, 1889.

⁸⁵ Served until February 26, 1890; succeeded by George W. Atkinson, who contested his election.

⁸⁶ Successfully contested the election of John O. Pendleton, and took his seat February 26, 1890.

⁸⁷ Served until February 3, 1890; succeeded by Charles B. Smith, who contested his election. It was in connection with the final votes in this case that Speaker Reed, for the first time, made his parliamentary ruling regarding the "counting of a quorum."

⁸⁸ Successfully contested the election of J. Monroe Jackson, and took his seat February 3, 1890.

⁸⁹ Admitted as a State into the Union July 10, 1890.

⁹⁰ Took his seat December 1, 1890; term to expire, as determined by lot, March 3, 1895.

⁹¹ Took his seat December 1, 1890; term to expire, as determined by lot, March 3, 1893.

⁹² Took his seat December 1, 1890.

⁹³ Served until November 2, 1889, when the Territory of Dakota was divided and granted statehood as the States of North and South Dakota by act of Congress approved February 22, 1889.

TERRITORY OF IDAHO

Delegate: Fred T. Dubois,⁹⁴ Blackfoot.

TERRITORY OF MONTANA

Delegate: Thomas H. Carter,⁹⁵ Helena.

TERRITORY OF NEW MEXICO

Delegate: Antonio Joseph, Ojo Caliente.

TERRITORY OF OKLAHOMA⁹⁶

Delegate: David A. Harvey,⁹⁷ Oklahoma City.

TERRITORY OF UTAH

Delegate: John T. Caine, Salt Lake City.

TERRITORY OF WASHINGTON

Delegate: John B. Allen,⁹⁸ Seattle.

TERRITORY OF WYOMING

Delegate: Joseph M. Carey,⁹⁹ Cheyenne.

SEVENTY-SIXTH CONGRESS—JANUARY 3, 1939—JANUARY 3, 1941

First session, January 3, 1939

Vice President of the United States, John N. Garner, of Texas.
President pro tempore of the Senate, Key Pittman, of Nevada.
Secretary of the Senate, Edwin Alexander Halsey, of Virginia.
Speaker of the House of Representatives, William B. Bankhead, of Alabama.

Clerk of the House, South Trimble, of Kentucky.

LIST OF SENATORS BY STATES, 1939

Alabama: John H. Bankhead and Lister Hill.
Arizona: Henry F. Ashurst and Carl Hayden.
Arkansas: Hattie W. Caraway and John E. Miller.
California: Hiram W. Johnson and Sheridan Downey.
Colorado: Alva B. Adams and Edwin C. Johnson.
Connecticut: Francis T. Maloney and John A. Danaher.
Delaware: John G. Townsend, Jr., and James H. Hughes.
Florida: Charles O. Andrews and Claude Pepper.
Georgia: Walter F. George and Richard B. Russell.
Idaho: William E. Borah and D. Worth Clark.
Illinois: J. Hamilton Lewis and Scott W. Lucas.
Indiana: Frederick Van Nuys and Sherman Minton.
Iowa: Guy Mark Gillette and Clyde L. Herring.
Kansas: Arthur Capper and Clyde M. Reed.
Kentucky: Alben W. Barkley and M. M. Logan.
Louisiana: John H. Overton and Allen J. Ellender.
Maine: Frederick Hale and Wallace H. White, Jr.
Maryland: Millard E. Tydings and George L. Radcliffe.
Massachusetts: David I. Walsh and Henry Cabot Lodge, Jr.
Michigan: Arthur H. Vandenberg and Prentiss M. Brown.
Minnesota: Henrik Shipstead and Ernest Lundeen.
Mississippi: Pat Harrison and Theodore G. Bilbo.
Missouri: Bennett Champ Clark and Harry S. Truman.
Montana: Burton K. Wheeler and James E. Murray.
Nebraska: George W. Norris and Edwin R. Burke.
Nevada: Key Pittman and Patrick McCarran.
New Hampshire: Styles Bridges and Charles W. Tobey.
New Jersey: William H. Smathers and W. Warren Barbour.
New Mexico: Carl A. Hatch and Dennis Chavez.
New York: Robert F. Wagner and James M. Mead.
North Carolina: Josiah W. Bailey and Robert R. Reynolds.
North Dakota: Lynn J. Frazier and Gerald P. Nye.
Ohio: Vic Donahey and Robert A. Taft.
Oklahoma: Elmer Thomas and Josh Lee.
Oregon: Charles L. McNary and Rufus C. Holman.
Pennsylvania: James J. Davis and Joseph F. Guffey.
Rhode Island: Peter G. Gerry and Theodore Francis Green.
South Carolina: Ellison D. Smith and James F. Byrnes.
South Dakota: W. J. Bulow and Chan Gurney.
Tennessee: Kenneth McKellar and Tom Stewart.
Texas: Morris Sheppard and Tom Connally.
Utah: William H. King and Elbert D. Thomas.
Vermont: Warren R. Austin and Ernest W. Gibson.
Virginia: Carter Glass and Harry Flood Byrd.
Washington: Homer T. Bone and Lewis B. Schwellenbach.
West Virginia: M. M. Neely and Rush D. Holt.
Wisconsin: Robert M. La Follette, Jr., and Alexander Wiley.
Wyoming: Joseph C. O'Mahoney and H. H. Schwartz.

⁹⁴ Served until July 3, 1890, when the Territory of Idaho was granted statehood by act of Congress approved that date.

⁹⁵ Served until November 8, 1889, when the Territory of Montana was granted statehood by act of Congress approved February 22, 1889; subsequently elected the first Representative from the new State.

⁹⁶ Formed from a portion of Indian Territory and from that portion of the United States known as the Public Land Strip and granted a Delegate in Congress by act of May 2, 1890.

⁹⁷ Took his seat December 1, 1890.

⁹⁸ Served until November 11, 1889, when the Territory of Washington was granted statehood by act of Congress approved February 22, 1889; subsequently elected Senator from the new State.

⁹⁹ Served until July 10, 1890, when the Territory of Wyoming was granted statehood by act of Congress approved July 10, 1890; subsequently elected Senator from the new State.

REPRESENTATIVES, BY STATES

Alabama: Frank W. Boykin, Mobile; George M. Grant,¹ Troy; Henry B. Steagall, Ozark; Sam Hobbs, Selma; Joe Starnes, Gunter; Pete Jarman, Livingston; William B. Bankhead, Jasper; John J. Sparkman, Huntsville; Luther Patrick, Birmingham.

Arizona: John R. Murdock, Tempe.

Arkansas: E. C. Gathings, West Memphis; Wilbur D. Mills, Kennett; Clyde T. Ellis, Bentonville; —²; David D. Terry, Little Rock; W. F. Norrell, Monticello; Wade Hampton Kitchens, Magnolia.

California: Clarence F. Lea, Santa Rosa; Harry L. Englebright, Nevada City; Frank H. Buck, Vacaville; Franck R. Havenner, San Francisco; Richard J. Welch, San Francisco; Albert E. Carter, Oakland; John H. Tolan, Oakland; John Z. Anderson, San Juan Bautista; Bertrand W. Gearhart, Fresno; A. J. Elliott, Tulare; Carl Hinshaw, Pasadena; Jerry Voorhis, San Dimas; Charles Kramer, Los Angeles; Thomas F. Ford, Los Angeles; John M. Costello, Hollywood; Leland M. Ford, Santa Monica; Lee E. Geyer, Gardena; Thomas M. Eaton, Long Beach; Harry R. Sheppard, Yucaipa; Ed. V. Izac, San Diego.

Colorado: Lawrence Lewis, Denver; Fred Cummings, Fort Collins; John A. Martin, Pueblo; Edward T. Taylor, Glenwood Springs.

Connecticut: William J. Miller, Wethersfield; Thomas R. Ball, Old Lyme; James A. Shanley, New Haven; Albert E. Austin, Old Greenwich; J. Joseph Smith, Waterbury; B. J. Monkiewicz, New Britain.

Delaware: George S. Williams, Millsboro.

Florida: J. Hardin Peterson, Lakeland; Lex Green, Starke; Milard F. Caldwell, Milton; Pat Cannon, Miami; Joe Hendricks, De Land.

Georgia: Hugh Peterson, Alley; E. E. Cox, Camilla; Stephen Pace, Americus; E. M. Owen, Griffin; Robert Ramspeck, Atlanta; Carl Vinson, Milledgeville; Malcolm C. Tarver, Dalton; W. Ben Gibbs, Jesup; B. Frank Wheelchel, Gainesville; Paul Brown, Elberton.

Idaho: Compton I. White, Clark Fork; Henry C. Dworshak, Burlew.

Illinois: Arthur W. Mitchell, Chicago; Raymond S. McKeough, Chicago; Edward A. Kelly, Chicago; Harry P. Beam, Chicago; Adolph J. Sabath, Chicago; A. F. Maciejewski, Cicero; Leonard W. Schuetz, Chicago; Leo Kocalkowski, Chicago; James McAndrews, Chicago; Ralph E. Church, Evanston; Chauncey W. Reed, West Chicago; Noah M. Mason, Oglesby; Leo E. Allen, Galena; Anton J. Johnson, Macomb; Robert B. Chipperfield, Canton; Everett M. Dirksen, Pekin; Leslie C. Arends, Melvin; Jessie Sumner, Milford; William H. Wheat, Rantoul; James M. Barnes, Jacksonville; Frank W. Fries, Carlinville; Edwin M. Schaefer, Belleville; Laurence F. Arnold, Newton; Claude V. Parsons, Golconda; Kent E. Keller, Ava; John C. Martin, Salem; Thomas V. Smith, Chicago.

Indiana: William T. Schulte, Hammond; Charles A. Halleck, Rensselaer; Robert A. Grant, South Bend; George W. Gillie, Fort Wayne; Forest A. Harness, Kokomo; Noble J. Johnson, Terre Haute; Gerald W. Landis, Linton; John W. Boehne, Jr., Evansville; Eugene B. Crowe, Bedford; Raymond S. Springer, Connersville; William H. Larrabee, New Palestine; Louis Ludlow, Indianapolis.

Iowa: Thomas E. Martin, Iowa City; William S. Jacobsen, Clinton; John W. Gwynne, Waterloo; Henry O. Talle, Decorah; Karl M. LeCompte, Corydon; Cassius C. Dowell, Des Moines; Ben F. Jensen, Exira; Fred C. Gilchrist, Laurens; Vincent F. Harrington, Sioux City.

Kansas: W. P. Lambertson, Fairview; U. S. Guyer, Kansas City; Thomas D. Winter, Girard; Edward H. Rees, Emporia; John M. Houston, Newton; Frank Carlson, Concordia; Clifford R. Hope, Garden City.

Kentucky: Noble J. Gregory, Mayfield; Beverly M. Vincent, Brownsville; Emmet O'Neal, Louisville; Edward W. Creal, Hodgenville; Brent Spence, Fort Thomas; Virgil Chapman, Paris; Andrew J. May, Prestonsburg; Joe B. Bates, Greenup; John M. Robison, Barbourville.

Louisiana: J. O. Fernandez, New Orleans; Paul H. Maloney, New Orleans; Robert L. Mouton, Lafayette; Overton Brooks, Shreveport; Newt V. Mills, Mer Rouge; John K. Griffith, Slidell; René L. DeRouen, Ville Platte; A. Leonard Allen, Winnfield.

Maine: James C. Oliver, South Portland; Clyde H. Smith, Skowhegan; Ralph O. Brewster, Dexter.

Maryland: T. Alan Goldsborough, Denton; William P. Cole, Jr., Towson; Thomas D'Alesandro, Jr., Baltimore; Ambrose J. Kennedy, Baltimore; Lansdale G. Sasser,³ Upper Marlboro; William D. Byron, Williamsport.

Massachusetts: Allen T. Treadway, Stockbridge; Charles R. Clason, Springfield; Joseph E. Casey, Clinton; Pehr G. Holmes, Worcester; Edith Nourse Rogers, Lowell; George J. Bates, Salem; Lawrence J. Connerly, Lynn; Arthur D. Healey, Somerville; Robert Luce, Waltham; George Holden Tinkham, Boston; Thomas A. Flaherty, Boston; John W. McCormack, Boston; Richard B. Wigglesworth, Milton; Joseph W. Martin, Jr., North Attleboro; Charles L. Gifford, Barnstable.

Michigan: Rudolph G. Tenerowicz, Hamtramck; Earl C. Michener, Adrian; Paul W. Shafer, Battle Creek; Clare E. Hoffman,

Allegan; Carl E. Mapes, Grand Rapids; William W. Blackney, Flint; Jesse P. Wolcott, Port Huron; Fred L. Crawford, Saginaw; Albert J. Engel, Lake City; Roy O. Woodruff, Bay City; Fred Bradley, Rogers City; Frank E. Hook, Ironwood; Clarence J. McLeod, Detroit; Louis C. Rabaut, Grosse Pointe Park; John D. Dingell, Detroit; John Lesinski, Dearborn; George A. Dondero, Royal Oak.

Minnesota: August H. Andresen, Red Wing; Elmer J. Ryan, South St. Paul; John G. Alexander, Minneapolis; Melvin J. Maas, St. Paul; Oscar Youngdahl, Minneapolis; Harold Knutson, St. Cloud; H. Carl Andersen, Tyler; William A. Pittenger, Duluth; Richard T. Buckler, Crookston.

Mississippi: John E. Rankin, Tupelo; Wall Doxey, Holly Springs; William M. Whittington, Greenwood; A. L. Ford, Ackerman; Ross A. Collins, Meridian; William M. Colmer, Pascagoula; Dan R. McGehee, Meadville.

Missouri: Milton A. Romjue, Macon; William L. Nelson, Columbia; Richard M. Duncan, St. Joseph; C. Jasper Bell, Blue Springs; Joseph B. Shannon, Kansas City; Reuben T. Wood, Springfield; Dewey Short, Galena; Clyde Williams, Hillsboro; Clarence Cannon, Elsberry; Orville Zimmerman, Kennett; Thomas C. Hennings, Jr., St. Louis; C. Arthur Anderson, Lemay; John J. Cochran, St. Louis.

Montana: J. Thorkelson, Butte; James F. O'Connor, Livingston. Nebraska: George H. Heinke, Nebraska City; Charles F. McLaughlin, Omaha; Karl Stefan, Norfolk; Carl T. Curtis, Minden; Harry B. Coffee, Chadron.

Nevada: James G. Scrugham, Reno.

New Hampshire: Arthur B. Jenks, Manchester; Foster Stearns, Hancock.

New Jersey: Charles A. Wolverson, Merchantville; Walter S. Jeffries, Margate City; William H. Sutphin, Matawan; D. Lane Powers, Trenton; Charles A. Eaton, Watchung; Donald H. McLean, Elizabeth; J. Parnell Thomas, Allendale; George N. Seger, Passaic; Frank C. Osmer, Jr., Haworth; Fred A. Hartley, Jr., Kearny; Albert L. Vreeland, East Orange; Robert W. Kean, Livingston; Mary T. Norton, Jersey City; Edward J. Hart, Jersey City.

New Mexico: John J. Dempsey, Santa Fe.

New York: Leonard W. Hall, Oyster Bay; W. B. Barry, Hollis; Joseph L. Pfeiffer, Brooklyn; Thomas H. Cullen, Brooklyn; Marcellus H. Evans, Brooklyn; Andrew L. Somers, Brooklyn; John J. Delaney, Brooklyn; Donald L. O'Toole, Brooklyn; Eugene J. Keogh, Brooklyn; Emanuel Celler, Brooklyn; James A. O'Leary, West New Brighton; Samuel Dickstein, New York City; Christopher D. Sullivan, New York City; William I. Sirovich, New York City; Michael J. Kennedy, New York City; James H. Fay, New York City; Bruce Barton, New York City; Martin J. Kennedy, New York City; Sol Bloom, New York City; Vito Marcantonio, New York City; Joseph A. Gavagan, New York City; Edward W. Curley, Bronx; Charles A. Buckley, Bronx; James M. Fitzpatrick, Bronx; Ralph A. Gamble, Larchmont; Hamilton Fish, Garrison; Lewis K. Rockefeller, Chatham; William T. Byrne, Loudonville; E. Harold Cluett, Troy; Frank Crowther, Schenectady; Wallace E. Pierce, Plattsburg; Francis D. Culin, Oswego; Fred J. Douglas, Utica; Bert Lord, Afton; Clarence E. Hancock, Syracuse; John Taber, Auburn; W. Sterling Cole, Bath; Joseph J. O'Brien, East Rochester; James W. Wadsworth, Genesee; Walter G. Andrews, Buffalo; J. Francis Harter, Eggertsville; Plus L. Schwert, Buffalo; Daniel A. Reed, Dunkirk; Caroline O'Day, Rye; Matthew J. Merritt, Flushing.

North Carolina: Lindsay C. Warren, Washington; John H. Kerr, Warrenton; Graham A. Barden, New Bern; Harold D. Cooley, Nashville; Alonzo D. Folger, Mount Airy; Carl T. Durham, Chapel Hill; J. Bayard Clark, Fayetteville; William O. Burgin, Lexington; Robert L. Doughton, Laurel Springs; Alfred L. Bulwinkle, Gastonia; Zebulon Weaver, Asheville.

North Dakota: William Lemke, Fargo; Usher L. Burdick, Williston. Ohio: Charles H. Elston, Newtown; William E. Hess, Cincinnati; Harry N. Routzahn, Dayton; Robert F. Jones, Lima; Cliff Evenger, Bryan; James G. Polk, Highland; Clarence J. Brown, Blanchester; Frederick C. Smith, Marion; John F. Hunter, Toledo; Thomas A. Jenkins, Ironton; Harold K. Claypool, Chillicothe; John M. Vorys, Columbus; Dudley A. White, Norwalk; Dow W. Harter, Akron; Robert T. Secrest, Caldwell; James Secombe, Canton; William A. Ashbrook, Johnstown; Earl R. Lewis, St. Clairsville; Michael J. Kirwan, Youngstown; Martin L. Sweeney, Cleveland; Robert Crosser, Cleveland; Chester C. Bolton, Lyndhurst; George H. Bender, Cleveland Heights; L. L. Marshall, Euclid.

Oklahoma: Wesley E. Disney, Tulsa; Jack Nichols, Eufaula; Wilburn Cartwright, McAlester; Lyle H. Boren, Seminole; Mike Monroney, Oklahoma City; Jed Johnson, Anadarko; Sam C. Massingale, Cordell; Phil Ferguson, Woodward; Will Rogers, Oklahoma City.

Oregon: James W. Mott, Salem; Walter M. Pierce, La Grande; Homer D. Angell, Portland.

Pennsylvania: Leon Sacks, Philadelphia; James P. McGranery, Philadelphia; Michael J. Bradley, Philadelphia; J. Burrwood Daly, Philadelphia; Fred C. Gartner, Philadelphia; Francis J. Myers, Philadelphia; George P. Darrow, Philadelphia; James Wolfenden, Upper Darby; Charles L. Gerlach, Allentown; J. Roland Kinzer, Lancaster; Patrick J. Boland, Scranton; J. Harold Flannery, Pittston; Ivor D. Fenton, Mahanoy City; Guy L. Moser, Douglassville; Albert G. Rutherford, Honesdale; Robert F. Rich, Woolrich; J. William Ditter, Ambler; Richard M. Simpson, Huntingdon; John C. Kunkel, Harrisburg; Benjamin Jarrett, Farrell; Francis E. Walter, Easton; Chester H. Gross, Manchester; James E. Van Zandt, Altoona; J. Buell Snyder, Perryopolis; Charles I. Faddis, Waynesburg; Louis E. Graham,

¹Member-elect of 75th Cong.; elected June 14, 1938, to fill vacancy caused by resignation of Lister Hill, January 11, 1938.

²Vacancy caused by death of Ben Cravens, January 13, 1939.

³Elected February 3, 1939, to fill the vacancy caused by death of Stephen W. Gambrill, Member-elect, December 19, 1938.

Beaver; Harve Tibbott, Ebensburg; Robert G. Allen, Greensburg; Robert L. Rodgers, Erie; Robert J. Corbett, Bellevue; John McDowell, Wilkinsburg; Herman P. Eberhart, Pittsburgh; Joseph A. McArdle, Pittsburgh; Matthew A. Dunn, Mount Oliver.

Rhode Island: Charles F. Risk, Saylesville; Harry Sandager, Cranston.

South Carolina: Thomas S. McMillan, Charleston; Hampton P. Fulmer, Orangeburg; Butler B. Hare, Saluda; Joseph R. Bryson, Greenville; James P. Richards, Lancaster; John L. McMillan, Florence.

South Dakota: Karl E. Mundt, Madison; Francis Case, Custer.

Tennessee: B. Carroll Reece, Johnson City; J. Will Taylor, Knoxville; Sam D. McReynolds, Chattanooga; Albert Gore, Carthage; Joseph W. Byrns, Jr., Nashville; Clarence W. Turner, Waverly; Heron Pearson, Jackson; Jere Cooper, Dyersburg; Walter Chandler, Memphis.

Texas: Wright Patman, Texarkana; Martin Dies, Orange; Lindley Beckwith, Gilmer; Sam Rayburn, Bonham; Hatton W. Sumners, Dallas; Luther A. Johnson, Corsicana; Nat Patton, Crockett; Albert Thomas, Houston; Joseph J. Mansfield, Columbus; Lyndon B. Johnson, Austin; William R. Poage, Waco; Fritz G. Lanham, Fort Worth; Ed Gossett, Wichita Falls; Richard M. Kleberg, Corpus Christi; Milton H. West, Brownsville; R. Ewing Thomason, El Paso; Clyde L. Garrett, Eastland; Marvin Jones, Amarillo; George H. Mahon, Colorado; Paul J. Kilday, San Antonio; Charles L. South, Coleman.

Utah: Abe Murdock, Beaver; J. W. Robinson, Provo.

Vermont: Charles A. Plumley, Northfield.

Virginia: Schuyler Otis Bland, Newport News; Colgate W. Darden, Jr., Norfolk; Dave E. Satterfield, Jr., Richmond; Patrick Henry Drewry, Petersburg; Thomas G. Burch, Martinsville; Clifton A. Woodrum, Roanoke; A. Willis Robertson, Lexington; Howard W. Smith, Alexandria; John W. Flannagan, Jr., Bristol.

Washington: Warren G. Magnuson, Seattle; Mon C. Wallgren, Everett; Martin F. Smith, Hoquiam; Knute Hill, Prosser; Charles H. Leavy, Spokane; John M. Coffee, Tacoma.

West Virginia: Andrew C. Schiffer, Wheeling; Jennings Randolph, Elkins; Andrew Edmiston, Weston; George W. Johnson, Parkersburg; John Kee, Bluefield; Joe L. Smith, Beckley.

Wisconsin: Stephen Bolles, Janesville; Charles Hawks, Jr., Horicon; Harry W. Griswold, West Salem; John C. Schafer, Milwaukee; Lewis D. Thill, Milwaukee; Frank B. Keefe, Oshkosh; Reid F. Murray, Waupaca; Joshua L. Johns, Algoma; Merlin Hull, Black River Falls; Bernard J. Gehrmann, Mellen.

Wyoming: Frank O. Horton, Saddlestring.

DELEGATES

Alaska: Anthony J. Dimond, Valdez.
Hawaii: Samuel W. King, Honolulu.

RESIDENT COMMISSIONERS

Commonwealth of the Philippines: Joaquin M. Elizalde, Manila.
Puerto Rico: Santiago Iglesias, San Juan.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts [Mrs. ROGERS]?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I think the gentleman from Pennsylvania [Mr. SNYDER] has made a very valuable contribution, and the country should be very grateful to him. The eyes of the people of the United States are focused on the Congress today as never before in our history. There was a tremendous interest in the anniversary of the birth of Congress, and the splendid speeches made the people realize the importance and value of our Supreme Court and our Congress.

LOANS TO LITTLE BUSINESS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. PATMAN]?

There was no objection.

Mr. PATMAN. Mr. Speaker, the bill H. R. 4851 which I have just introduced is sponsored by the American Federation of Little Business, a nonprofit, nonpartisan, and Nation-wide organization of independent small-business men. The bill provides for a permanent, decentralized credit system for small business and is patterned closely after the Federal home-loan bank—Federal saving and loan system heretofore provided for home owners. The intent is to set up a decentralized credit facility in which local management and responsibility and some local money will be combined with Federal regulation and some Federal money, with the requirement that after 5 years the preferred stock investment of the Secretary of the Treasury shall be progressively retired.

TO BRING ABOUT BUSINESS RECOVERY

Mr. Speaker, a supreme problem confronting this Congress is to bring about a business recovery. This is not a partisan problem. It is a national necessity. We cannot indefinitely preserve democratic institutions in an atmosphere of chronic economic crisis. We cannot continue forever to support twelve to fourteen million unemployed workers and their families. We cannot continue forever to spend more than we get. Somehow, someday, the health and resiliency of our economic system must be restored.

The group which this legislation is designed to benefit are our largest employers of labor. In the aggregate they pay most of the taxes for the support of local, State, and Federal Governments. Eliminate them from our economic structure—and their numbers are steadily being reduced—and the foundation of our American system will crumble.

HAND-OUT NOT ASKED FOR

I wish to make it perfectly clear that independent small business is not asking for a Government hand-out. It is not asking for the creation of another governmental agency in competition with private banks or other legitimate lending institutions. It is not proposing a plan which will be a burden upon the taxpayers. It is merely asking the temporary assistance of Government to enable it to establish an instrumentality of self-help. And it is not wedded to any particular ideas as to the form that such an instrumentality should take. The proposed system is modeled after one that has worked well in its field and has cost the taxpayers nothing. Perhaps a pooling of our ideas and thinking may result in an even better plan. Little business is interested in results—not in the advancement of any particular formula for obtaining them.

PROTECTION AGAINST INROADS OF MONOPOLY

The only change I have made in the bill as drafted by the federation is the addition of a provision for loans to cooperative purchasing associations of small independents to enable them to increase the aggregate of their buying power. This does not eliminate the disparity of position existing between the independent and the chain, but it may be helpful in some instances. Little business needs more than just another credit facility to enable it to survive against the inroads of monopoly.

LITTLE BUSINESS OUR PROBLEM

Most of us here represent communities in which a majority of the business is little business. Its problems are therefore our problems. For this reason I earnestly urge the Members of this House—without regard to party—to consider this problem of credit for the small independent. Perhaps, as I have said, we can improve upon the plan embodied in the bill which I have just introduced. But the important thing is that something sound and constructive be done, and that it be done now.

SUMMARY OF PROPOSED INVESTMENT BANK ACT (H. R. 4851)

First. The bill (H. R. 4851) is designed to provide permanent intermediate credit facilities for independent small business (\$100,000 limitation on size of loans).

Second. The proposed structure is closely patterned after the existing Home Loan Bank-Federal Savings and Loan Association system. At the top is a three-man board, appointed by the President and charged with general supervision over the banks, the associations, and the insurance corporation. The 12 regional investment banks provided for are intended to serve primarily as reservoirs for the discount paper emanating from the local investment associations, although they may make loans direct under certain circumstances. The local investment associations constitute the broad base of the system and are authorized to make loans generally for business purposes (including character loans) when credit of the type applied for is not otherwise available through the usual local commercial banking channels. Thus, the passing upon credit risks and the extension of credit is made a function of local management, although the Board and the banks keep in close touch through examinations.

Third. It is proposed that the capital be provided as follows:

(a) The capital stock of the regional investment banks: To be subscribed by the Secretary of the Treasury, the money (up to a total of \$120,000,000) to be provided by R. F. C.

(b) The capital of the local investment associations: To be provided by local investors and the Secretary of the Treasury (\$60,000,000 appropriated for this purpose—paragraph (h) of section 10), the latter being authorized to subscribe for preferred shares at a 4-to-1 ratio (to common capital) up to \$100,000 for each local association. The common stock subscriptions are protected by insurance up to \$5,000 in the case of each such investment.

(c) The capital stock of the Insurance Corporation (\$100,000,000): To be subscribed by R. F. C.

Fourth. The intent is to provide a decentralized intermediate credit system in which local management and responsibility and some local money will be combined with Federal regulation and Federal money. After 5 years, the preferred stock investment of the Secretary of the Treasury in the local associations is to be progressively retired.

Fifth. The total lending capacity of the system depends upon many factors, such as the number and capitalization of the local associations. The banks are authorized to issue their consolidated debentures in the ratio of 12 to 1 of capital. Such debentures are generally tax-exempt, but are not guaranteed by the Government.

Sixth. The proposed method of insurance, mechanics thereof, and so forth, are practically identical with those provided in connection with the Home Loan Bank-Federal Savings and Loan Association system and program.

Seventh. The bill is sponsored by the American Federation of Little Business, an independent, nonpartisan, and Nationwide organization of independent, small-business men. The active support of all Members of Congress, without regard to party affiliation, is cordially invited.

MEMBERS OF THE BOARD OF VISITORS TO THE UNITED STATES COAST GUARD ACADEMY

The SPEAKER laid before the House the following communication from the Committee on Merchant Marine and Fisheries, which was read:

WASHINGTON, D. C., January 23, 1939.

Hon. WILLIAM B. BANKHEAD,

Speaker of the House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Pursuant to the act of April 16, 1937 (Public, No. 38, 75th Cong., 1st sess.), I have appointed for the remainder of the first session of the Seventy-sixth Congress the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Coast Guard Academy: Hon. LINDSAY C. WARREN, Hon. EDWARD J. HART, and Hon. RICHARD J. WELCH.

As chairman of the Committee on Merchant Marine and Fisheries I am authorized to serve as an ex officio member of the Board. Yours very sincerely,

S. O. BLAND.

Mr. COCHRAN. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-five Members are present, not a quorum.

Mr. COCHRAN. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 25]

Anderson, Calif.	Duncan	Johnson, Lyndon	Patton
Ball	Eaton, N. J.	Keefe	Reece, Tenn.
Casey, Mass.	Evans	Kerr	Seger
Creal	Ferguson	McGehee	Stearns, N. H.
Curley	Flaherty	McReynolds	Sweeney
Daly	Fulmer	Maas	Vorys, Ohio
Dies	Gearhart	Martin, Colo.	Wood
Dingell	Hunter	Mitchell	Youngdahl
Disney	Jacobsen	Osmers	
Doughton	Jenks, N. H.	O'Toole	

The SPEAKER. Three hundred and ninety-five Members have answered to their names, a quorum.

On motion of Mr. COCHRAN, further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. KEOGH asked and was given permission to revise and extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, I rise in support of the resolution of the gentleman from Missouri [Mr. ANDERSON] for an investigation of the National Labor Relations Board, which is now before the Rules Committee.

For the past 2 years I have heard discussed on the floor of this House the conduct of the Labor Board, and I have read something of it in the newspapers.

Due to the many duties of my office and the needs of my district last year, I did not give the matter the study it should have had.

However, in my home town during the past year we have had an opportunity of learning at first hand how the Board operates and its manner and methods. I have compared what we learned of its procedure in Sioux City, Iowa, my home, with what has taken place in other sections of the country, and find to my surprise a situation far worse than anything described or even intimated on this floor.

I represent a fine agricultural district. Our main products are grain and livestock. At my home in Sioux City we have a plant of Swift & Co. It serves, along with other packers, the needs of the farmers of my district.

Swift & Co. has had no trouble with its employees. Their employee plan has been satisfactory, and they have had a local employee association for many years. It was a mutual affair.

When the National Labor Relations Act was upheld the employees were told by Swift & Co. it would have to withdraw from any activity for fear of being held in violation of the act. Consequently the employees formed an independent union with a majority membership in the plant for the purpose of collective bargaining with the company.

After proving it had a majority of the membership of the company, it was given an agreement of collective bargaining with Swift & Co.

Some time later a group of C. I. O. organizers began to operate in Sioux City and formed an organization committee in the plant. At no time, however—and I quote authoritatively, because I have just completed reading the full transcript of the National Labor Relations Board case, known as case Nos. XLVII-C-188 and XVIII-R-142—did the C. I. O. union have a majority membership in the plant.

On September 27, 1938, the C. I. O. committee, in my opinion, made a deliberate attempt to coerce the management into agreeing to all their demands by calling an illegal sit-down strike in the plant. The sit-down strike was called in the departments known as the "kill" departments, where livestock is killed and moved on to the coolers to prevent spoiling.

The charge of the C. I. O. was that the management would not bargain collectively with their committee of nine members over so-called grievances. Facts are that the management had always had a policy of meeting with the aggrieved employee and a member or members of the union.

At any rate, a sit-down strike—now mark you this was late last September—was called because the employees would not permit supervisors and nonstriking employees to remove the freshly killed meat. The company suffered a loss of better than \$6,000 because this meat was condemned by Government inspectors as spoiled.

The company, after giving notice, discharged those who refused to leave the plant and many were indicted for unlawful seizure of property. The activity of outside organizers

and some of the C. I. O. group was so offensive to the public peace of the city that an injunction was granted against certain of their activities.

Now, let me paint this picture for you again. At no time did the C. I. O. have a majority at Swift & Co. for members. At no time had the company refused to discuss with the C. I. O. the demands of the organization, despite the fact that they had an agreement for collective bargaining with an independent union.

The company had been most cautious and impartial in its activities toward all organizations.

The C. I. O. started an unlawful sit-down strike in the plant and were discharged but refused to leave the plant until arrests of the ringleaders were made and others told that they must leave the property or also be arrested.

Despite that picture, on which I shall comment at length at a later date, the trial examiner ordered the company to recognize the C. I. O. as the sole bargaining agent, reinstate those whom it had discharged for illegal seizure of their property, and pay them back wages from the time of discharge until rehired.

Mr. Speaker, to say that there was no basis for these findings is putting it mildly. It appears to me that the decision in these cases is reached before the hearings are held and the hearings are merely set up for the purpose of attempting to justify to the American people, the acts of the Labor Board.

I am no lawyer, Mr. Speaker, but I have sufficient education and intelligence to know that no decision can be reached by taking the word of one union organizer and placing the wreath of sanctity on it while ignoring the directly opposite testimony of other substantial citizens.

I make the charge here now, Mr. Speaker, that, in my opinion, we are wasting the taxpayers' money in holding these hearings. The statements of fact contained in the examiner's reports are so prejudiced, unwarranted, and unfair that they prove to me that the holding of a hearing was for the sole purpose of obtaining testimony favorable to the C. I. O.

And, Mr. Speaker, here is the serious part of these "Findings of fact." If the Labor Board approves them, they cannot be reviewed by the courts of the land, since the law restricts them to a review of matters of law. In other words, this Board is holding a lot of kangaroo hearings, issuing orders for the benefit of one group, and there is nothing left for the accused to do but hope there has been a mistake in legal procedure or legal application made by the Board so that justice can be obtained in the impartial courts of the land.

I for one, Mr. Speaker, believe the Members of Congress want a full and open investigation of the Labor Relations Act and the Labor Board. I will not participate in any activity which has for its purpose the hindering of the rights of labor to organize, but I fear if this situation is not investigated it will result, as the distinguished Member from Missouri has pointed out, in a complete crushing of organized labor by an aroused and resentful public opinion against these abuses.

The American people will support any effort which is fair, but they will make their force heard and felt if the privileges of fair play are abused. [Applause.]

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate insists upon its amendments to the bill (H. R. 3791) entitled "An act to provide more effectively for the national defense by carrying out the recommendations of the President in his message of January 12, 1939, to the Congress," 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. LEWIS, Mr. LOGAN, and Mr. AUSTIN to be the conferees on the part of the Senate.

REORGANIZATION BILL OF 1939

Mr. COCHRAN. 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. 4425) to provide for reorganizing agencies of the Government, 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. 4425, with Mr. McCORMACK in the chair.

The Clerk read the title of the bill.

Mr. WARREN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise merely for the purpose of getting some information from the minority Members, if they can inform us at this time. It was stated yesterday by the gentleman from Illinois [Mr. DIRKSEN] that he proposed to offer what is known as the Byrd bill as an amendment to this bill. Under the procedure under which we are operating, that amendment can be offered only at the very beginning; that is, now, or at the very end of the consideration of the bill. I am wondering if the gentleman would indicate whether they intend to offer the amendment now or wait until the completion of the consideration of the bill.

Mr. TABER. I may say the amendment will not be offered to this section. The condition of the bill at the end of the day's session might make a difference as to what attitude we might take.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. WARREN. Yes.

Mr. HOFFMAN. Was the gentleman from North Carolina asking the gentleman from New York for a constructive suggestion this morning?

Mr. COCHRAN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. COCHRAN: Page 2, strike out lines 15 and 16 and insert "(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by."

Mr. ROBERTSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTSON. Before the Committee rose on yesterday the Clerk had read all of section 1. Is this an amendment to section 1?

The CHAIRMAN. The Chair understand the amendment offered by the gentleman from Missouri relates to lines 15 and 16 on page 2, which are a part of section 1.

Mr. ROBERTSON. Mr. Chairman, I offer a substitute amendment.

The CHAIRMAN. The Chair asks the gentleman from Virginia if his amendment is a substitute for the pending amendment?

Mr. ROBERTSON. It is a substitute for the pending amendment. It amends the first part of section 1 instead of lines 16 and 17, but it covers the same subject matter.

The CHAIRMAN. The Chair may state that in the opinion of the Chair the amendment of the gentleman from Virginia does not constitute a substitute amendment. The Chair will recognize the gentleman as soon as possible.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent that the Clerk again report the amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Missouri.

There was no objection.

The Clerk again reported the committee amendment.

Mr. TABER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TABER. When this amendment is disposed of, would a motion to strike out lines 15 to 19 still be in order?

The CHAIRMAN. It would.

Mr. COX. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am acquainted with the amendment the gentleman from Virginia proposes to offer and I think it

fair to him to state that it is more in the nature of an amendment to the pending amendment than a substitute amendment; as a matter of fact, I believe, if the gentleman will carefully read the amendment now proposed, he will abandon the idea of offering his amendment, because the amendments are substantially the same.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. ROBERTSON. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. ROBERTSON: On page 1, beginning in line 7, strike out all of lines 7, 8, 9, and 10, and insert in lieu thereof the following:

"SECTION 1. (a) The Congress hereby declares that by reason of continued national deficits, it is imperative to materially reduce Government expenditures; and that such reduction may be accomplished in a measure by proceeding immediately under the provisions of this act.

"Accordingly the President shall investigate the organization of all executive agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes."

Mr. ROBERTSON. Mr. Chairman, I was unable to follow adequately the committee amendment that has just been offered and adopted, but regardless of whether my distinguished friend from Georgia [Mr. Cox] is correct or not in stating that that amendment carries the essence of the amendment which has just been read, a copy of which I presented to the chairman of the committee before we met, I want to take this opportunity to express here and now my belief that in a bill designed to give us better government for less money, I am vitally interested in economy as well as efficiency.

This is no new stand for me. I was elected in 1932 on an economy platform, but that was no new stand for me. Ah, for 6 years as a legal adviser to the board of supervisors in my home county, I was on an economy platform, and for 6 years as a member of the Virginia State Senate. I entered this distinguished body in 1932 on an economy platform, and I have never departed from it. [Applause.]

Mr. COX. Mr. Chairman, will the gentleman yield to me?

Mr. ROBERTSON. I yield to my friend from Georgia.

Mr. COX. Since the gentleman has had an opportunity to examine the committee amendment, it is not his opinion that it substantially embodies what is contained in the amendment the gentleman has just proposed?

Mr. ROBERTSON. I have not had time to examine it, but I showed the gentleman my amendment, and he is familiar with the other amendment. If the gentleman says they are substantially the same, then I will withdraw my amendment.

Mr. COX. I may say frankly to the gentleman, and I am not combating the argument he makes that economy is desirable and is one of the major purposes of the bill, the committee amendment that has just been adopted, in effect, states that the public interest demands economy and that it can be effectuated by carrying out the purposes of the bill. The gentleman's amendment may have suggested the amendment offered by the committee.

Mr. ROBERTSON. That was all I wanted—to send a message to the people of this Nation that this Congress, although we know we cannot immediately balance the Budget, recognizes the danger of continued deficit financing [applause], and that in our hearts we seek to correct and change that trend, recognizing what Robert Browning said that "man's reach should exceed his grasp or what's a heaven for." We reach out for a balanced Budget, we cannot get it now, but we want the business leaders of this Nation to know that and to know that we will not sit here and continue to appropriate any unnecessary money leading, eventually, to inflation or possible repudiation of debts.

I ask unanimous consent, Mr. Chairman, to withdraw my amendment, believing its purposes have been accomplished.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CROSSER. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Page 2, line 11, strike out "or such functions thereof."

Mr. CROSSER. Mr. Chairman, if this amendment should be adopted, I hand to the Clerk a paper containing two other amendments for the purpose of making the bill consistent. These amendments have been prepared by the legislative drafting service. They raise the same question that I brought to the attention of the Committee a year ago when the so-called reorganization bill was before the House.

I think every one will agree that almost universally the people are under the impression, when they talk about reorganization, that what is proposed is to merge one board or commission with another or, perhaps, to do away with a board altogether in order to save the expense involved in the payment of these boards. When, however, the bill proposes to authorize the abolition of functions, that is an entirely different thing. The functions are the provisions of law stating what is to be done by the agency. For instance, take the irrigation system. The agency discharges the functions, but the functions are the statutory requirements for the irrigating of the land.

This bill proposes to authorize one person to abolish any of these functions.

This is not a question of personalities. I think everyone here knows that I never resort to that sort of thing. We should dispose of this matter on the basis of principle.

The Congress of the United States by the Constitution was made the legislative authority. All legislative powers, says the Constitution, are vested in the Congress of the United States, the exact language being, "All legislative powers herein granted shall be vested in a Congress of the United States."

This was done deliberately, and for a very definite reason. Lawmaking is policy declaration, and the followers of Jefferson who were very influential in that Convention, believing thoroughly in democracy, felt that the only safe way to have policy declared is by Representatives, that is, Members of Congress, elected by the people from their own neighborhoods.

So, the legislative power, the policy-declaring power, was placed in Congress, as I think it should have been placed. When we propose by this blanket authority to make possible the abolition of the functions of more than 130 executive agencies, we are, in my opinion, if we make the proposal law, violating the spirit of our institutions. Under the language of the bill, as it is now framed, an order proposing the abolition of the law providing for irrigation of arid lands, for the abolition of the Reclamation Service, for the abolition of railroad retirement system, which was shorn since, or for the abolition of the Railroad Mediation Board, provided for several years ago could be issued.

All these institutions might not only have their boards abolished but the provisions of law in regard to reclamation projects, the provisions of law for the payment of pensions, and the provisions of law for the settlement of railroad labor disputes could be all abolished by orders issued under the terms of this bill. I think that is not what was intended by the term "reorganization." What was in the mind of almost everybody and what I am sure is in the minds of the people today is that if here and there a board is not necessary, a board whose functions could be performed by some other board, then do away with the unnecessary board and to let the functions be performed by the other board which may be qualified for the work. It was not expected by the people of the country that we authorize someone to abolish the substantive law, the provisions of law for carrying out reclamation projects, for the payment of railroad workers' pensions, or for the settlement of labor disputes.

Mr. LEA. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. Yes.

Mr. LEA. Does the gentleman understand that the enactment of this measure would authorize the abolition of the Mediation Board?

Mr. CROSSER. Yes.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. COX. Mr. Chairman, I rise in opposition to the amendment. I dislike to find myself in disagreement with my long-time and devoted friend, the gentleman from Ohio [Mr. CROSSER]. He is not only one of the most splendid gentlemen I have ever known but one of the best balanced legislators with whom I have served. I do not know even now that the gentleman and I are very far apart. I think his fears as to what might result under the language of the bill, in the event of its adoption, are not well founded. If this language were stricken out, we could have no coordination of the different departments, which is most necessary; we could have no elimination of duplications, which we know to be most necessary; and, therefore, there could be brought about no economy, which I am sure the membership of this House puts first in the purposes of the act.

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. CROSSER. I do not think my good friend disputes for a single minute that definite provisions of law for the doing of certain things could be provisionally abolished by the bill as it stands.

Mr. COX. Mr. Chairman, our dispute probably grows out of a difference of understanding as to the meaning of the word "function." "Function," Mr. Chairman, has been defined as a special activity, a duty, a course of action, which pertains to office. It is said to be a power, an activity, doing a performance of work, and so forth. In Bouvier's Law Dictionary "function" is defined in the language of the court in the case of State against Hyde, an Indiana case, as being office, duty, fulfillment of a definite end, or set of ends, by the correct adjustment of means, the occupation of an office by the performance of its duty—the officer is said to be fulfilling his function.

On Monday last the gentleman from North Carolina [Mr. WARREN], in the very extraordinary statement he made to the House, cataloged a great many duplications in the work being done by a multiplicity of agencies of the Government. For instance, he developed the fact that there are at least at this time 29 agencies concerned with the lending activities of the Government, that there are 34 agencies concerned with the acquisition of land for public purposes, that there are 16 agencies engaged in wildlife preservation, and so forth, 10 agencies concerned with Government construction, 9 agencies with credit and finance, 10 agencies with materials of construction; that there are more than 100 information and publication offices in Washington, besides the Library of Congress; and he further developed the fact that there are 28 agencies in this Government handling welfare matters, 14 agencies handling forestry matters, and 65 agencies gathering statistics.

I am sure, Mr. Chairman, that we are all prepared to admit that there are too many of these agencies doing work of a similar character and that there is far too much duplication. Certainly any reorganization of the executive departments must take into consideration this condition, and by observing the instructions that are set out in this bill will be compelled to abolish certain work of certain agencies in order that the purposes of the bill may be brought about.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I rise in support of the amendment. I concur in everything that the proponent of this amendment, the gentleman from Ohio [Mr. CROSSER] has said. I call to the attention of my colleagues on the Democratic side as well as on the Republican side the fact that we are not going to restore business confidence by merely passing resolutions or amendments such as we passed a few moments ago, declaring that we are in favor of economy and that we must reduce the expenditures of government.

Our New Deal friends passed resolutions favoring and promising a 25-percent reduction in the cost of government in 1932 and rode into office on those promises. That was prior to the date of the 1932 election. After that election the record shows that our New Deal friends were long on

promises and short on performance. They increased the cost of government more than 100 percent instead of reducing it 25 percent, as promised when fishing for votes. I call upon my Republican colleagues who during the last campaign have denounced and condemned the drunken New Deal spending spree to also act as well as talk, and stop trying to outdo our New Deal brethren in raiding the taxpayers' Treasury. We must restore business confidence. Actions and not demagogic talk will restore such confidence. I suggest that all crackpot, half-baked, Socialist-minded New Deal self-righteous Scribes and Pharisees who have been unfairly denouncing and attacking private business and hitting it below the belt be removed from public service and muzzled. Get government out of subsidized competition in private fields of business endeavor and encourage private business to expand.

Encourage expansion and increase of private business activities by removing the shackles and straitjackets of the Socialist conceptions of government imported direct from Moscow by our New Deal "brain trusters." Reduce the cost of Government and stop talking about the necessity of such reductions while trying to spend our way into prosperity.

We will then be able to furnish jobs to more than 12,000,000 of our people who today cannot find a job after more than 6 years of our New Deal administration.

If we continue to follow the road and the pace we have been traveling for the past 6 years Uncle Sam will soon be bankrupt. We will have inflation with resulting chaos, misery, suffering, and distress such as this generation has never experienced. We cannot prevent America from going into bankruptcy with resulting inflation and perhaps civil war by passing resolutions pledging economy, or amendments to legislation stating that economy is necessary. We must act as well as talk, my friends. I ask that the New Deal get down to business. You have control of the appropriating branch of the Government as well as the administrative branch. Practice what you preach and you will help restore business confidence. If you continue your unbridled expenditures and half-baked Moscow Socialist imported theories of government and attacks on legitimate private business much longer, the time will soon be here when we will not have private business to furnish jobs for our people and private business will be unable to produce the tax dollars so that our New Deal spendthrifts can furnish jobs on public pay rolls. [Applause.]

The pro forma amendment was withdrawn.

Mr. CROSSER. Mr. Chairman, I move to strike out the last two words. I simply want to say that what the gentleman from Georgia [Mr. Cox] has said is practically what I claim—namely, that what he calls "duties" are "functions."

I want to call attention to the meaning of the word "abolish," according to Webster's Dictionary. It is: "To do away with wholly; to annul; to make void; said of laws * * * governments, etc."

If you do away with the function of providing for the irrigation of arid lands, for instance, you are doing away with the provision of law put on the statute books to help agriculture. Lengthy committee work, long debate in the House, all requiring much effort and time, all would go for naught.

If two boards are doing the same thing in the same way, one of those boards could be abolished. But when you abolish a function, do not fool yourselves for a single minute that you are merely tinkering with boards. You are repealing laws.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. CROSSER. I yield.

Mr. COCHRAN. Let us assume that the President transfers five agencies to one agency. Every one of the agencies he transferred, we will say, had a statistical division. If the President is deprived of abolishing the functions, he cannot abolish the functions performed in each of those divisions with reference to gathering statistics and put them into one statistical division.

Mr. CROSSER. If all five are gathering the same statistics, four boards could be abolished, leaving one to do the work. That, however, would not mean that you were repeal-

ing the law providing for the collection of statistics. If you were to abolish the functions of collecting statistics, no statistics could then be gathered. Under the terms of this bill you could repeal half the statutes of the United States. Do not be deceived for a minute in regard to the proposition.

[Here the gavel fell.]

The pro forma amendment was withdrawn.

The CHAIRMAN. The question is on agreeing to 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 109 and noes 116.

Mr. CROSSER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. CROSSER and Mr. COCHRAN to act as tellers.

The Committee again divided; and the tellers reported there were ayes 136 and noes 162.

So the amendment was rejected.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 2, lines 17 to 19, inclusive, strike out all after the comma in line 17 and to the end of the section in line 19.

Mr. TABER. Mr. Chairman, I have offered this amendment particularly to take away from the bill the declaration of incompetency on the part of the legislature. For my own part, I believe that our House of Representatives and our Senate are competent to prepare and pass any positive legislation, any direct legislation necessary to curtail unnecessary activities of the Government.

It has been said by the President several times that no economy can be accomplished by a reorganization bill. There is not any question that this bill, as it stands, without further amendment to section 4 and section 5 is not a bill to promote economy. I want to see it made a bill to promote economy and efficiency in government. One of the worst things in the bill is section 5. I want to call to your attention at this time a provision in the Constitution. It is part of section 7 of article I, appearing on page 36 of the Manual:

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him.

Under that provision, in my opinion, a resolution disproving any act of the President under section 4 of this bill would have to go over a veto in order to become effective and require a two-thirds vote to prevent it.

Mr. COX. Mr. Chairman, will the gentleman yield at that point?

Mr. TABER. I yield.

Mr. COX. I wonder if the gentleman would mind disclosing the basis for that opinion.

Mr. TABER. The language of the Constitution itself which appears in section 7, at page 36, of the Manual.

Mr. COX. Do I understand the gentleman to say that the Congress cannot constitutionally attach a condition to the grant of vacating whatever might be done by concurrent resolution of the two Houses?

Mr. TABER. I would not say that. I would say that it is not done in the language that has been provided here in this bill.

Mr. COX. What is there in the language of the bill that disturbs the gentleman on that particular point?

Mr. TABER. Whether or not a resolution of both Houses, regardless of the approval of the President of the resolution, could result in the defeat of a reorganization proposal is disputable; but whether it can be done in the particular language of this bill is not disputable, in my opinion.

Mr. COX. The gentleman means in the particular case?

Mr. TABER. Where we have attempted to do it, because we have not set forth in this bill any provision that the concurrent resolution shall operate as a veto regardless of the approval of the President.

Mr. COX. Is not the gentleman mistaken about that? Does not the bill very clearly state that in the event of dis-

satisfaction on the part of the two Houses that they may vacate the finding of the President by concurrent resolution?

Mr. TABER. It says that specifically. This provision of the Constitution, as I read it, would require the submission of such a resolution to the President for his approval.

Mr. COX. Not at all, not at all. In other words, Congress has the constitutional power to attach a condition very much more limited and restricted than the condition which is here provided.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

Mr. COX. May I proceed?

Mr. TABER. Yes.

Mr. COX. The gentleman is evidently disturbed because of an opinion rendered by Attorney General Mitchell in 1932 when Congress was considering a reorganization bill which delegated power to the then President to do the things provided in the bill and in addition thereto to make an Executive order. The Attorney General in that case said in effect that it was not within the power of the Congress either by simple or concurrent resolution to repeal a statute; which, of course, was sound to the extent that he went in that particular statement of the case. But to say that the Congress cannot attach the condition that it is within the power of either House to vacate whatever is done under the grant is clearly unsound. The condition is a part of the legislation.

Mr. TABER. There is absolutely nothing in this bill that says that such a proposed reorganization would be vetoed by a resolution passed by both Houses of Congress without the President's approval. Perhaps we might be allowed to attach that kind of condition to the bill if it can be done in that particular way. I can find nothing in the bill that says that. I may be mistaken.

Mr. COX. If the gentleman will yield right there, I would be glad to hear what the gentleman has to say as to this provision of the bill:

SEC. 5. The reorganizations specified in the plan shall take effect in accordance with the plan:

(a) Upon the expiration of 60 calendar days after the date on which the plan is transmitted to the Congress, but only if during such 60-day period there has not been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the reorganization plan.

In the opinion of the gentleman does this not mean that Congress may, by concurrent resolution, vacate what is done?

Mr. TABER. It does not meet my objection. It does not mean that to me. The resolution, under the Constitution, would have to be submitted to the President for his approval.

Mr. COX. Not at all, sir.

Mr. TABER. If the provision stated that passage of the resolution without the approval of the President—

Mr. COX. That is certainly the intention of the committee reporting and sponsoring the bill.

Mr. TABER. But it does not say that.

Mr. COX. And I think it is the intention of the House. There is no objection to a commitment being made on that proposition, none whatever. That is exactly what the language says.

Mr. TABER. Frankly, I do not believe it says so in such a way as to be effective. I would not want to pass on the question of whether it could be effective otherwise; but I am satisfied that the present language does not make the reservation effective.

Mr. COX. A concurrent resolution is simply the joint action of the two Houses; and the bill states that the plan may be upset through the joint action of the two Houses expressed through a concurrent resolution. That is all it states.

Mr. TABER. A concurrent resolution to be effective except with reference to the question of adjournment has to be submitted to the President for his approval, under this section of the Constitution, and if he shall veto the resolution to stop a proposed reorganization, a two-thirds vote of both the House and Senate would be required.

Mr. COX. The language of the bill simply states that the plan may be upset by action that falls short of legislation. That is what the language states.

Mr. TABER. Frankly, I do not think the language in the bill is broad enough to support that proposition.

Mr. COX. The gentleman has never heard of a concurrent resolution having been submitted to the President, has he?

Mr. TABER. If it relates to legislation, and all of these things very evidently relate to legislation, the note here states:

Although the requirement of the Constitution seems specific, the practice of the Congress has been to present to the President for approval only such concurrent resolutions as are legislative in effect.

This resolution, disapproving of the reorganization plan, would be legislative in effect.

Mr. COX. The Congress provides in the instant case what it may do by way of upsetting the plan, as in the Tobacco Inspection case. In that case the Court held that the condition attached to the grant was valid, so in the instant case it must hold that the condition here attached is valid.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. TABER]?

There was no objection.

Mr. TABER. Mr. Chairman, in that case there was a specific reservation, while here there is a specific reservation that must be construed under the terms of the Constitution and the practice in favor of the submission of a concurrent resolution to the President and the requirement that it be passed by a two-thirds vote over his veto.

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the question which the gentleman from New York [Mr. TABER] and the gentleman from Georgia [Mr. Cox] have just been debating presents a very interesting question to the House for consideration.

This bill provides (sec. 5 (a)) that any plan of reorganization submitted by the President shall take effect upon the expiration of 60 calendar days after the date on which the plan is transmitted to the Congress, unless during such 60-day period both Houses of Congress pass a concurrent resolution stating in substance that Congress does not favor the reorganization plan. Under this provision the enactment of a concurrent resolution gives negative effect to the plan of the President; the failure to pass a concurrent resolution presumes to give positive effect to such plan.

The gentleman from New York [Mr. TABER] has reviewed the constitutional provisions with respect to the submission of all bills, resolutions, orders, or votes to the President for signature which have legislative effect, so I will not repeat them.

This bill, suffice it to say, reverses the process by which legislation must be passed under the Constitution.

Under the practice of Congress concurrent resolutions concern only intracongressional functions and do not have the effect of law. For this reason it has not been the universal practice to submit them to the President for signature; but whether a document considered by the Congress is a concurrent resolution, a joint resolution, an order, or a bill, does not depend upon the designation of such a document but rather upon whether it contains matter which is properly to be regarded as legislative in its character and effect.

In this connection the precedents and practices are embodied in a report from the Senate Committee on the Judiciary, dated January 27, 1897, which that committee had been directed to make on the subject of joint and concurrent resolutions and their approval by the President. The report declared that concurrent resolutions have uniformly been regarded by all the departments of the Government as matters peculiarly within the province of the Congress alone. They have never embraced legislative provisions proper and, hence, have never been deemed to re-

quire executive approval. In the instant case, however, we have an entirely different situation. It is sought to give negative legislative effect to a supposedly otherwise valid program by the enactment of a concurrent resolution.

Mr. Chairman, I want to read for the benefit of the House the finding of the Judiciary Committee made back in 1897, which clearly states this principle. It was stated at that time:

We conclude this branch of the subject by deciding the general question submitted to us, to wit, "whether concurrent resolutions are required to be submitted to the President of the United States," must depend not upon their mere form but upon the fact whether they contain matter which is properly to be regarded as legislative in its character and effect. If they do, they must be presented for his approval; otherwise they need not be. In other words, we hold that the clause in the Constitution which declares that every order, resolution, or vote must be presented to the President, to "which the concurrence of the Senate and House of Representatives may be necessary," refers to the necessity occasioned by the requirement of the other provisions of the Constitution, whereby every exercise of "legislative powers" involves the concurrence of the two Houses; and every resolution not so requiring such concurrent action, to wit, not involving the exercise of legislative powers, need not be presented to the President. In brief, the nature or substance of the resolution, and not its form, controls the question of its disposition.

In keeping with the Constitution, this report embodies the interpretations which have been put upon the specific provisions of the Constitution in no uncertain language. A concurrent resolution, therefore, which gives either positive or negative legislative effect to any action, comes within the category of those orders, resolutions, or bills mentioned in the Constitution, and must be presented to the President for approval. Any other procedure would not be in conformity with the Constitution. To negative the action of the President in case of a veto of the concurrent resolution provided in the bill, which, of course, would follow as a natural consequence, a mere 33 Members of the Senate might nullify the expressed will of the unanimous action of the House.

[Here the gavel fell.]

Mr. COX. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if I understand the statement just made, it is that the gentleman entertains the opinion that under the language of the pending bill nothing short of legislation could vacate the action of the President in submitting a plan. I would like to have the gentleman indicate if that is the meaning of what he has said? In other words, is it the opinion of the gentleman that under the language of the bill we have before us, nothing less than legislation would suffice in setting aside, or an attempt to set aside, any plan of reorganization that might be submitted by the President?

Mr. WOLCOTT. Section 5 of the bill provides in substance that this plan of the President shall become the law of the land unless we take negative action.

Mr. COX. Very true.

Mr. WOLCOTT. That is positive action.

Mr. COX. That is correct.

Mr. WOLCOTT. If it does not become the law of the land, it necessitates negative action on the part of the Congress and the negative action on the part of the Congress is the concurrent resolution.

Mr. COX. That is true.

Mr. WOLCOTT. Whether the concurrent resolution has a positive or negative effect does not detract from its legislative effect. We virtually—I should not use the term "repeal" in this instance because the law has not taken effect, but it nullifies the otherwise valid acts of the President, which we have delegated to him.

Two questions are involved here. One is whether we have the authority to reverse the process under the Constitution by which legislation is enacted. If we hold that this resolution is not negative in its legislative effect, then we must have to admit that we have delegated to the President the lawmaking power, which is equally unconstitutional.

Mr. COX. Is the gentleman taking the position that the condition which is here attached to the grant is ineffectual insofar as the power being employed by the Congress through concurrent resolution to vacate what might be done by the

President is concerned? Is the gentleman taking that position?

Mr. WOLCOTT. I do take the position that if this concurrent resolution is not, as provided by the bill, presented to the President for his signature it has no force and effect whatever to negative the program of the President.

Mr. COX. A concurrent resolution is not law, and law cannot be repealed by such a resolution; but in this case the concurrent resolution is a part of the law.

Mr. WOLCOTT. It is the exercise of no power so far as its legislative effect is concerned. It merely establishes what we want done but it has no legislative effect.

Mr. COX. Let us see about that by consulting what has happened heretofore and what the Supreme Court has said in interpreting a measure very similar to the bill now before us.

Mr. WOLCOTT. May I anticipate that the gentleman is going to quote again the tobacco case?

Mr. COX. Yes, of course.

Mr. WOLCOTT. May I in reply say to the gentleman we had set up machinery whereby individuals—not the people of the Government at large, for that measure had no control over the people at large—if they saw fit could cooperatively place certain restrictions upon themselves, but that was absolutely different from this matter.

Mr. COX. In other words, the exercise of a power, created under the act of either setting aside or nullifying in effect the application of a law which was conditioned upon referendum vote.

Mr. WOLCOTT. Not any more than a statement in the law that a man might come into court and waive his constitutional right to trial by jury. The same question is involved.

Mr. COX. If I understand the gentleman, he takes the position that in an instance such as the case we have before us, presented by the pending bill, the Congress has the right to attach any condition it may see fit, which in this case is a condition subsequent, and that there must be some compliance with that condition, or substantial compliance with that condition, before the law becomes effective. Is that the position of the gentleman?

Mr. WOLCOTT. I understand the gentleman's point in that connection.

[Here the gavel fell.]

Mr. COX. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Now, let us see. The Court, in interpreting the Tobacco Inspection Act of 1935, said with respect to the provision that the Secretary might provide for the setting up of regulations of a certain character which could only become effective upon a vote taken of the growers directly affected under the law.

The Court said:

So far as growers of tobacco are concerned, the required referendum does not involve any delegation of legislative authority. Congress has merely placed a restriction upon its own regulation by withholding its operation as to a given market—

Quoting from the statute—

"unless two-thirds of the growers voting favor it." Similar conditions are frequently found in police regulations.

So in the case before us we provide a condition which empowers the Congress through joint action to do with respect to the pending bill what was provided might be done by the growers of tobacco under the inspection act of 1935.

Mr. DITTER. Mr. Chairman, will the gentleman yield?

Mr. COX. I yield to the gentleman from Pennsylvania.

Mr. DITTER. May I direct the attention of the gentleman from Georgia to the letter from the President last year which was labeled the letter of denial of dictatorship, and may I quote from that letter this opinion of the President:

But there are two cogent reasons why the bill should go through as it is now drawn. The first is the constitutional question involved in the passage of a concurrent resolution, which is

only an expression of congressional sentiment. Such a resolution cannot repeal executive action taken in pursuance of a law.

Mr. COX. Very true. In the bill before us there is no provision for executive action. The action of the President under the bill is not executive and it is not legislative. He is the delegate of this Congress appointed to do the will of the Congress as expressed in the law.

Let me make this observation, and I certainly have no purpose to conceal from anyone any opinion I may have as to the power of Congress to attach conditions. In the instant case the Congress in the bill before us proposes to set up a condition whereby the two Houses through joint action can negative not an Executive order but a report made by the delegate of the Congress itself, acting as a ministerial agent.

Mr. DITTER. Mr. Chairman, will the gentleman yield at that point?

Mr. COX. Now let me say this, just one more observation: It is clearly within the constitutional power of the Congress to attach even a more limited condition than is provided in the instant case, where provision is made for the two Houses acting through concurrent resolution to vacate a reorganization plan. Congress might constitutionally attach the condition that any plan submitted by the President, the agent of the Congress, as he is made in the bill before us, might be vacated, might be set aside, might be nullified, or might be entirely extinguished by a simple resolution of a single House of the Congress.

Mr. DITTER. Now will the gentleman yield?

Mr. COX. Yes; I yield to the gentleman.

Mr. DITTER. Does the gentleman admit that we constitute the President the agent of the Congress?

Mr. COX. I certainly do.

Mr. DITTER. For legislative purposes?

Mr. COX. I do not, and there is consistency in all the holdings of the courts on the question, from the time of Chief Justice Marshall.

[Here the gavel fell.]

The CHAIRMAN (Mr. WOODRUM of Virginia). The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The amendment was rejected.

Mr. GIFFORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, there is an old adage which says, "You may not believe all that you hear, but you can repeat it."

I wished to take the floor rather early and before the details of the bill were reached. It is not a question of privilege, because I am not greatly disturbed, but my constituents have been fed up in the last 24 hours with the statement that I would not vote for any bill, or even for the Ten Commandments, if proposed by a Democrat. I am glad to say that I rose yesterday and indicated that I would vote for the Byrd bill if it were offered as a substitute.

The assurance was given to the gentleman from Virginia [Mr. ROBERTSON] that the committee amendment just adopted would be just as effective as the language contained in the Byrd bill. I trust we may rely on this assurance of the gentleman from Georgia [Mr. Cox]. For the benefit of the newer Members of this House I may say that for 10 years I was on the majority side. I voted often with the minority and was not loaded down with honors from the Republicans, because I could not be a rubber stamp. I voted with the minority too often, probably. I even voted for the famous Goldsborough bill, which caused much annoyance among my friends. I can assure you. I voted for your wage and hour bill. Perhaps some of you do not think that was a real Democratic measure. When your President came into power in 1933 I voted for about everything he proposed during those first 6 months. Large numbers of Democrats ducked and would not support him when he attempted cuts on benefits to veterans. I supported him on the bonus veto and most of you Democrats ran out on him. Far more than you, during that period, did I support him. It was only when he began the spendthrift era that I withheld my approval.

I asked you to be generous with my statement when I declared that I did not trust the President to bring about any economy under this bill; but rather would he attempt to freeze all emergency measures into permanent agencies. Some gentlemen were so unfair as to simply repeat a portion of my remark "I did not trust the President." Just what meaning did they wish to convey? That I would not trust him with a \$10 bill or a similar trust? What were you attempting to accomplish by such tactics?

Attacks of this kind, as far as I am concerned, do not do me any particular harm I think, but I want the newer Members of the House to understand that no matter what party may be in power, I am not to be a rubber stamp. Neither did I say that I would not support or vote for any reorganization bill. Those words were spoken by others without any authority whatever. If the limitations and the instructions with respect to economy, which the gentleman from Georgia now says are equal to the language of the Byrd bill, and with proper procedure with respect to affirmative action, are put into this bill, most of us will be glad to support the measure. Why the declaration that the Republicans would not support any reorganization bill?

Let me call your attention to the bill now under discussion. When this proposition for reorganization is finally presented by the President to the Congress for either affirmative or negative action, you will be forced to vote to accept or reject it without amendment of any sort. This bill as now presented is legislation by negative action. To illustrate: you might approve of a hanging but if you had to vote affirmatively you would hesitate. If you could simply avoid any action you might accomplish your desire without expression of approval or disapproval.

We want affirmative action by the Congress and we should preserve the integrity of the legislative branch of government. That is what the people desire.

I am sorry, indeed, that the attitude of the President last year so inflamed the public mind against any proposition he may advance in the matter of reorganization. Many have been led to believe that they were elected or defeated on that particular issue.

Do I need to enlarge on this further? I close as I began, "You need not believe all you hear, but you can repeat it." In that manner much harm can be done. No rejoinder to any attack here is interesting to the newspapers and it is useless to make one. An attack is always interesting. [Applause.]

[Here the gavel fell.]

Mr. MILLER. Mr. Chairman, it seems to me that we have had a perfect example in the last 30 minutes to bear out the contention that hearings should have been held on this bill, and that further study should have been given to it before it was brought to the House. We saw two able gentlemen, one on either side of the aisle, both anxious to bring about reorganization, both anxious to have economy in Government, and they could not agree in 15 minutes' discussion as to what one section of the bill means. It bears out the contention that this bill should be sent back to the committee for further study.

I came on the floor of the House Monday morning with an absolutely open mind. I had just two thoughts in my mind in connection with this bill: First, that there are numerous boards and commissions that should be abolished or consolidated; and second, that the citizens of my district did not want the reorganization bill proposed in the last session of Congress. They do not at this time know the contents of this bill, and in that same connection reference has been made on the floor to editorial comment throughout the country. I went to the Library of Congress and looked up several of these editorials. Certainly these editorial writers are in favor of reorganization, but they did not discuss this bill, because at the time the editorials were written they had not seen the bill, and neither had we.

I listened attentively during the last 2 days and I listened for an hour to the chairman of this special committee as he reported his bill and explained its contents, and I regret,

as one seeking information, that so much of that hour was devoted to an attack on the minority members of this special committee. In the 2 days that I have sat here I have not heard one good reason advanced by the proponents of this bill why we should not so write the bill that Congress can take positive rather than negative action on the recommendation of the proposals of the President. This Congress wants reorganization, the people of the United States want reorganization, and if the reorganization committee had been given time enough it could have ironed out the differences of opinion and brought a bill to this House that Congress could have united on and that the people would have approved. I cannot help asking the question, Why the rush? Why were no hearings held on this bill, and why was not a real effort made to write a bill that we could all approve? If I understand the debate I have heard on this floor it means just one thing. Let us assume that the President, after studying the departments of the Government decides on a program and recommends that program to the Congress, and let us assume that the program contains 10 proposals, 9 of them most desirable, something we all want, and 1 that we could not in all conscience approve. In that circumstance we would have to turn down nine good proposals simply to eliminate one that might be dangerous.

Very little has been said in the last 2 days about section 301 of the bill. Perhaps it is not important but it involves quite a sum of money. It provides for six assistants for the President at a salary of \$10,000 a year each.

No Member of the Congress opposes giving the President all the help he needs, but we must bear in mind that a lot of these duties, responsibilities, and tasks that the President is now performing were taken from this Congress and from other agencies of the Government, and I predict that after 1940, no matter what party elects the President, a lot of those duties the President is now performing will be returned to the Congress. [Applause.]

In closing, just one thought. I listened attentively, as I always do, to my good friend from Massachusetts [Mr. McCORMACK] in his reference to those who had said they had lost confidence in the President. I cannot feel that there is anything disgraceful about that. There is nothing personal in it, certainly, and I say, with all sincerity, that many people of my district have lost confidence in the President, and have lost confidence in the New Deal, and they are looking to this Congress to take back the prerogatives we have turned over to the Chief Executive. Without indulging in personalities, and with the highest respect, personally, for the man who is President of the United States, I say the American people have lost confidence in this administration. [Applause.]

Mr. JENKINS of Ohio. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JENKINS of Ohio: Page 2, beginning in line 15, strike out down through line 19.

Mr. JENKINS of Ohio. Mr. Chairman, I have offered this amendment because I am very much interested in this matter that I wish to have stricken out. We have had some very learned discussion with reference to this subsection (b), and it leaves me, as it were, out on a limb because this discussion has not been clarifying. All this discussion has indicated what this subsection does not do. I should like to find out what it does do. I maintain from my reading of it that it does not do anything that is absolutely necessary to make the bill efficient, if it is ever going to be efficient. I ask the gentleman from Georgia [Mr. Cox], in the first place, what subsection (a) does the language refer to in this language that I move to strike out.

Mr. COX. It refers to (a) in section 1.

Mr. JENKINS of Ohio. If it refers to subsection (a) in section 1, then there is little wonder that all of this learned discussion has not been especially enlightening for it referred to subsection (a) over in section 5.

Mr. COX. Subsection (a) contains everything down through line 14 on page 2, does it not?

Mr. JENKINS of Ohio. That is what I maintain, too. Now, what does the gentleman think about this? Why cannot that whole section be stricken out? What does it do?

Mr. COX. That section is retained there for the purpose of supporting the constitutionality of the act. The Congress is here setting up its reason why an agent is being appointed to do the work which the Congress has not the facilities to do. In other words, all of the detail work, all of the investigating, all of the fact-finding and filling in all the details which the Congress is clearly not in a position to do.

Mr. JENKINS of Ohio. It strikes me yet, and I think I am absolutely right in my position, that this section does not do anything in the world toward making this law a constitutional act. I took that position yesterday and I take it now.

Mr. COX. The bill sets up justification for the law.

Mr. JENKINS of Ohio. Yes; but that is not necessary.

Mr. COX. And is most essential to its validity.

Mr. JENKINS of Ohio. It is not necessary to set up explanatory language to make an act constitutional. If it has any constitutionality it gets it on its own wording.

Mr. COX. The gentleman is in error about that. You will find a statement of policy set out in the majority of the major proposals that come to this House, and they are put in for the express purpose of supporting the legality of the action taken by the Congress on the subject matter.

Mr. JENKINS of Ohio. I maintain that this subsection (b) is not necessary to do but one thing. It is employed to set out in clear language that the Congress has surrendered. It sets it out so that the Supreme Court, should it be called upon to pass upon it, would have a more direct invitation to say that the Congress has abdicated its legislative right and power.

Mr. COX. Let me ask the gentleman this question.

Mr. JENKINS of Ohio. Just wait until I make my statement.

I repeat, at the expense of being tedious, that this section is not necessary. If there is any merit to this bill the language of the bill should be sufficient without this explanatory language. If the constitutionality of subsection (a) in section 5 is safe and it will stand up, this language that I am asking to strike does not in any way strengthen it. It does no more than say that we are surrendering. We are giving up our authority to the President to do something. It is for no other purpose than that the Supreme Court may say, when it comes to construe this act, "Well, here is where the Congress itself said that it surrendered. The Congress knew what it was doing. It said that the President can do this work more efficiently than they can do it. Consequently, they are surrendering to him."

Of course, we know that without putting it into this statute. Everybody knows that we are surrendering. That is the reason I am opposed to the bill, because we are surrendering our legislative authority. All this is merely a recitation of our abject surrender. I am ashamed of this admission, and although I am going to vote against this bill, I want this language to be stricken so that there will be no open admission of our impotency.

Mr. COX. Mr. Chairman, will the gentleman yield further?

[Here the gavel fell.]

Mr. COX. Mr. Chairman, I rise in opposition to the amendment.

Of course, the membership of this House, if interested in the setting up of a law that will stand the test in the courts, will not support the amendment to strike this provision of the act. The language of the section does no more than state a fact. That is, that the purposes specified may be accomplished in great measure by proceeding immediately, under the provisions of the title, and can be accomplished more speedily thereby than by the enactment of specific legislation.

There are literally hundreds of these agencies that are sought to be dealt with under the law. Is it seriously contended that the House, dealing with each one specifically,

by specific acts, can proceed more rapidly and more effectively than would be possible under this bill, with the President acting as the ministerial agent of the Congress?

I submit, Mr. Chairman, that the section simply sets up the reason for the law and that if stricken it is doubtful if the act could withstand a test in the courts on the ground of its constitutionality.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes; I yield to my friend.

Mr. JENKINS of Ohio. Is not the real purpose of this subsection to take the place of those long oratorical preambles that marked the introduction of prior legislation brought up from the White House? Does it not have the same purpose, exactly, as a preamble and has it not been held repeatedly that a recitation in a preamble has no legalistic effect? It is not a part of the law?

Mr. COX. This sets up the reason why the Congress is delegating the power to do work which the agent is best able to do. A tremendous amount of detail is required in reorganization, and this detail Congress cannot well supply, and therefore has seen fit to delegate to the President.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. COX. I yield.

Mr. WHITTINGTON. Does not a similar provision obtain in the Securities and Exchange Act, the Utilities Act, and all legislation where similar authority has been conferred?

Mr. COX. Oh, and a great many others.

So, Mr. Chairman, summarizing, I say that the language is most essential to the validity of the measure, and I trust that the House will reject the amendment.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. SCHAFER of Wisconsin. Mr. Chairman, after the confession of the gentleman from Georgia, I know now I shall have to oppose and vote against this bill unless it is drastically amended. The gentleman from Georgia admits that the language in question is a confession that the preponderant New Deal majorities in the Senate and the House are unable to perform their duties under the American Constitution. [Laughter.] You talk about delegating powers and duties to the President because they are too involved for Congress to perform. It appears from the provisions of this bill that you are delegating your duties and powers to six petty officials whose appointments at \$10,000 a year are provided for in this bill. During the last 6 years your Democratic New Deal administration has been creating so many new Government bureaus and agencies that it takes a Philadelphia lawyer to find out how many we now have. I know that very few New Dealers, if any, could tell us the names and number of all of these New Deal Government creations.

If our New Deal President can effect savings by reorganizing and merging Government activities, why has he not made specific recommendations to Congress under the authority which he now has? Why has the New Deal controlled Congress failed to enact legislation or even consider legislation to effect such savings? The record indicates that our New Deal brethren, from the President down, do not practice economy; they only talk about the necessity of and promise economy. You talk about and promise savings by eliminating and merging Government bureaus and agencies, while the record indicates you expend and multiply said bureaus and agencies. The American people want and are entitled to something more than talk and promises. They expect Congress to practice as well as preach. We should end the drunken orgy of spending by the New Deal crackpots, brain trusters, and nitwits who are on the Federal administrative pay roll. We should stop using the taxpayers' pocket-books as guinea pigs in the laboratory of New Deal state socialism imported direct from Moscow. [Applause.]

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The Clerk read as follows:

SEC. 2. When used in this title, the term "executive agency" means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration, in the executive branch of the Government.

Mr. WADSWORTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WADSWORTH: Page 2, line 25, insert "For the purposes of this title the Botanic Garden shall be deemed an executive agency."

Mr. WARREN. Mr. Chairman, I make a point of order against the amendment, but I reserve the point of order.

The CHAIRMAN. The gentleman from North Carolina reserves a point of order against the amendment.

Mr. WADSWORTH. Mr. Chairman, I recognize the courtesy extended to me by the gentleman from North Carolina. He extended it to me, of course, in order that I may make my seventeenth desperate attempt, directly or indirectly, to divorce the Botanic Garden from the Congress of the United States.

Ever since 1915 I have asked upon what I supposed were appropriate occasions why it is the Congress of the United States is running a greenhouse. I have never received a satisfactory answer. This amendment, if drawn properly and if admitted to be in order, would authorize the President to regard the Botanic Garden as a football which could be kicked into the executive department, where it belongs. I believe that the Congress, Mr. Chairman, should perform legislative functions, not horticultural. [Applause.]

The CHAIRMAN. Does the gentleman from New York withdraw the amendment?

Mr. WADSWORTH. No; this is a desperate matter. [Laughter.]

The CHAIRMAN. Does the gentleman from North Carolina insist upon his point of order?

Mr. WARREN. I do.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WARREN. Mr. Chairman, I am really in sympathy with the object of the gentleman from New York; but this bill, of course, is a bill to reorganize the executive agencies of the Government. The Botanic Garden is a part of the legislative establishment. I make the point of order that the amendment is not germane to the bill.

The CHAIRMAN. The Chair feels that it is a very close and delicate question. [Laughter.] The Chair feels constrained to take the position stated by the gentleman from North Carolina, that the amendment offered by the gentleman from New York does not come within the purview of the section or the bill.

The point of order, therefore, is sustained.

The Clerk read as follows:

SEC. 3. No reorganization plan under section 4 shall provide—

(a) For the abolition or transfer of an executive department or all the functions thereof;

(b) In the case of the following executive agencies, for the transfer, consolidation, or abolition of the whole or any part of such agency or of its head, or of all or any of the functions of such agency or of its head, except the function of preparing estimates of appropriations: Civil Service Commission, Coast Guard, Engineer Corps of the United States Army, Federal Communications Commission, Federal Power Commission, Federal Trade Commission, General Accounting Office, Interstate Commerce Commission, National Bituminous Coal Commission, National Labor Relations Board, Securities and Exchange Commission, United States Board of Tax Appeals, United States Employees' Compensation Commission, United States Maritime Commission, United States Tariff Commission, or Veterans' Administration; or

(c) For changing the name of any executive department or the title of its head, or for designating any executive agency as "Department" or its head as "Secretary."

Mr. WARREN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. WARREN: At page 3, lines 8 and 9, strike out the comma and the words "except the function of preparing estimates of appropriations."

Mr. WARREN. Mr. Chairman, this is the amendment I stated on Monday that I would offer, and this is the language that we stated we would be glad to strike from the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

Mr. LUDLOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUDLOW: On page 3, line 4, after the word "thereof" and before the semicolon, insert the following: "or for the establishment of any new executive department."

Mr. COCHRAN. Mr. Chairman, this is acceptable to the committee.

Mr. LUDLOW. Mr. Chairman, I do not think this amendment requires any discussion. It is a clarifying amendment and was explained in general debate. I believe the amendment is acceptable to the committee.

Mr. COCHRAN. There is no objection from the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

Mr. RANKIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANKIN: On page 3, line 18, after the word "Commission", insert the words "the Rural Electrification Administration."

Mr. RANKIN. Mr. Chairman, I have offered this amendment to exempt from the provisions of this bill the Rural Electrification Administration. As I explained yesterday, there is absolutely no reason for not doing so.

The Rural Electrification Administration is setting an example for economy in overhead expenditures that the other governmental agencies might well follow. In addition to that, it is doing its job well. You are not going to increase efficiency and you are not going to promote economy by disturbing the R. E. A. at this time. Unless exempted, this agency will be left in a disturbed condition and in a state of uncertainty for the next few months, which will have an effect from one end of the country to the other.

I pointed out yesterday that it has already been instrumental in the building of approximately 200,000 miles of rural power lines to serve approximately two and a half million people in the rural sections who never would have received electricity otherwise. Someone will say, "Oh, this is left up to the President." My understanding is that the President never asked that the Rural Electrification Administration be included; besides, we know that a board will do this reorganizing; and for this reason, and for the further reason the Rural Electrification Administration is functioning properly now, I ask that my amendment be adopted.

Mr. JOHNSON of Indiana. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Indiana.

Mr. JOHNSON of Indiana. Does the gentleman fear that the President would under the plan proposed here do away with the T. V. A. under this bill?

Mr. RANKIN. No; I am not as afraid of the President as far as the T. V. A. is concerned as I am of the gentleman from Indiana. The T. V. A. has proved its worth to the American people.

Mr. RICH. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Pennsylvania.

Mr. RICH. Is it not possible that the President might consolidate this bureau with some of the other bureaus?

Mr. RANKIN. I am not afraid of the President of the United States. I am not offering the amendment to embarrass the President in any way, and it will not embarrass him. I think if I had taken the time and had gone to him I could have got him to recommend that the amendment be agreed to or that the R. E. A. be exempted.

I am appealing to the membership of the House to exempt this agency, as the Labor Relations Board, the Coal Commission, and many other organizations have been exempted, some of which never have done and never will do as much good for the American farmers as has the Rural Electrifica-

tion Administration. I was in hope the gentleman from North Carolina would accept my amendment and not take up the time of the House.

Mr. MOTT. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Oregon.

Mr. MOTT. If the gentleman is not worried or afraid that the President may do something in regard to rural electrification, then why does he want it exempted?

Mr. RANKIN. I thought I explained that to the gentleman a moment ago.

Mr. MOTT. I listened, but I have not heard anything about that.

Mr. RANKIN. I will tell the gentleman. I do not say it will convince the gentleman, because that is an awfully hard thing for a Democrat to do sometimes.

Mr. MOTT. The gentleman from Mississippi is very convincing at times.

Mr. RANKIN. Here are my reasons: In the first place, this reorganization will go on from month to month. The Rural Electrification Administration is functioning as well as it possibly can. The uncertainty will leave them in a disturbed state, which will have an effect on the efficiency of the organization and the promotion of rural electrification in the meantime. There is no reason, in my opinion, for it being in the bill, and for this reason I ask that it be exempted.

Mr. RICH. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman said that the T. V. A. was taking care of itself. What he meant to say was that the taxpayers of the various districts of this country were taking care of the T. V. A., which is losing other people's money.

Mr. RANKIN. What I am trying to tell the gentleman from Pennsylvania [Mr. RICH] is that the T. V. A. is taking care of his constituents by forcing down their electric light and power rates.

Mr. RICH. How is it forcing the rates down in Pennsylvania? They have low rates in Mississippi where the gentleman lives, but our fellows back in Pennsylvania have to pay the bills.

Mr. RANKIN. Oh, no; we have reduced rates to the people of Pennsylvania by more than \$40,000,000 a year.

Mr. RICH. The gentleman is not doing anything for our people, and with all this hub-bub it is wrong.

[Here the gavel fell.]

Mr. WARREN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Mississippi [Mr. RANKIN].

Mr. Chairman, the gentleman from Mississippi is so appealing and ingratiating that I hate very much to oppose his amendment. He says he cannot see a single reason why his amendment should not be adopted. There are exactly 270 reasons why it should not be adopted. Once you let down the floodgates and let every bureau, board, and administration come under the exemptions provided in this bill, then you have nothing whatever left and nothing to be performed by the President.

Mr. RANKIN. Will the gentleman yield?

Mr. WARREN. I am getting ready to compliment the gentleman now.

Mr. Chairman, the gentleman from Mississippi [Mr. RANKIN] has made a Nation-wide reputation on his study of the power question and related problems. This particular board or administration is very dear to his heart. I may also say, as he has well expressed it, this matter is also very dear and near to the heart of the President of the United States who formerly recommended legislation on this subject. It is inconceivable to me that the President with the authority granted only to him will set out to destroy or impair the efficiency of an agency that is so near to him. Once we adopt this amendment, or other similar amendments which will follow, then we simply open up the whole proposition, and I therefore ask that the amendment be defeated.

Mr. RANKIN. Will the gentleman yield?

Mr. WARREN. I yield to the gentleman from Mississippi.

Mr. RANKIN. That logic carried to its ultimate conclusion would mean that you have opened the floodgates already when these other agencies were exempted.

Mr. WARREN. No; that does not hold true. I stated on Monday that personally I think we have too many exemptions in this bill; but most of these exemptions, in fact two-thirds of them, are the so-called quasi-legislative agencies of the Government. Certainly the Rural Electrification Administration could in nowise be termed a quasi-legislative agency.

Mr. RANKIN. These are not all quasi-legislative agencies.

Mr. WARREN. I did not say all; I said about two-thirds, but we have reasons for the others which I will be glad to give.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 54, noes 89.

Mr. RANKIN. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. RANDOLPH. Mr. Chairman, I offer an amendment. The Clerk read, as follows:

Amendment offered by Mr. RANDOLPH: On page 3, line 7, after the word "appropriations", insert "Civil Aeronautics Authority."

Mr. RANDOLPH. Mr. Chairman, I rise with some trepidation due to the fact that the amendment offered by my beloved friend, the gentleman from Mississippi, an amendment to add an exemption, has been defeated in this Committee. I have the desire very honestly to present to this Committee in the time allotted to me the reasons why I believe the Civil Aeronautics Authority should be exempted from the provisions of the bill.

We have on this floor today the very able chairman of the Committee on Interstate and Foreign Commerce, the gentleman from California [Mr. LEA]. He remembers very well that the creation of the Civil Aeronautics Authority took place in the closing days of the last session of the Seventy-fifth Congress, early in the summer of last year. It was not until the last of October 1938, or a little more than 4 months ago, that the Civil Aeronautics Authority began to function. I believe it is absolutely wrong after such a short period of time for this Congress to in fact nullify that which we did in the last days of the Seventy-fifth Congress.

I call attention to the message which was sent by the President of the United States to the National Aviation Forum, which met in Washington, D. C., on February 20 and 21, and I ask you to listen carefully to these words. The President said:

Civil aviation is clearly recognized as the backlog of national defense in the Civil Aeronautics Act which set up the effective machinery for a comprehensive national policy with respect to the air.

These are the words sent 2 weeks ago by the President of the United States to the National Aviation Forum, and in them he reaffirms his belief in the provisions and purposes of the Civil Aeronautics Act. The President stated that "underlying the statute is the principle that the country's welfare in time of peace and its safety in time of war rests" on the stabilization of this new and great industry.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Georgia.

Mr. COX. Does the gentleman entertain any fears whatever about the President doing anything in carrying out the will of the Congress that would in any wise embarrass the authority to which the gentleman refers? There has not been any indication on the part of anyone connected with the Civil Aeronautics Authority indicating a desire to be exempted from the provisions of the law, has there?

Mr. RANDOLPH. I am pleased to answer the two questions of the gentleman. No official of the Civil Aeronautics Authority has approached me with reference to the amendment which I have introduced, and certainly I have no fear the President of the United States would take the action the

gentleman suggests. However, I believe it is absolutely wrong for the Congress of the United States to march up the hill and then seem to turn about and march down the hill in just the short period of a few months' time, when the provisions and reasons for the new act were given the most careful consideration by the committee and then later by the House. Let us remember that we deal not only with civil aviation but with such aviation as it affects the national defense of this country. Civil aeronautics certainly is the backlog of any true national-defense program in the days that are to come. We must, during peacetime, promote and maintain civil aviation in all its important phases. Wartime supremacy in the air is certainly based on peacetime superiority in the air.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Kentucky.

Mr. MAY. The gentleman has referred to the fact that we are preparing to nullify what we did 4 months ago in setting up this authority. This proceeding does not nullify it or authorize anything to be done with it particularly. Further, the President recommended to the Congress only a few months ago that the Civil Aeronautics Authority be set up, and surely he has not changed his mind about it this soon.

Mr. RANDOLPH. That contention is no doubt true, but we do not know that and the gentleman, of course, does not know it.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. COX. Of course the gentleman understands that under the bill the President is not authorized to abolish any activity or any agency except that which is made useless, and that would be in the form of a duplication as a result of coordination or consolidation.

[Here the gavel fell.]

Mr. RANDOLPH. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. I want also to call your attention to this communication of the President within the last 2 weeks, in which he states:

This new policy set up by the Congress views American aviation as a special problem requiring special treatment.

This Congress today should reaffirm by the adoption of my amendment what it did just a few months ago when it gave special treatment to civil aeronautics.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Michigan.

Mr. DONDERO. Does not the gentleman believe the fear he expresses might best be avoided by changing section 5 of this bill so that it will require affirmative action by both branches of the Congress before a plan is adopted that might disturb the Civil Aeronautics Authority? What is the gentleman's answer to that question?

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Has not the gentleman considered the possibility that without the protection of this amendment a consolidation might abolish Langley Field as a National Advisory Committee for Aeronautics?

Mr. RANDOLPH. That could be taken into consideration.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. The gentleman has pointed out the national-defense angle of civil aviation. With reference to the question of the gentleman from Georgia as to whether or not the gentleman has any fear of the President tampering with the Civil Aeronautics Authority, is it not a fact that

what the gentleman is most interested in is not the personnel of the Board or the peace of mind of the Board itself but rather the peace of mind of the aviation industry in the United States? The Board was set up because of the very unhealthy condition of the aviation industry, and if the industry has another case of hysteria about what might happen to it, then the industry itself is the one that would suffer if the gentleman's amendment is defeated, and not the Board.

Mr. RANDOLPH. The gentleman from Oklahoma makes a splendid contribution to the argument I trust I have brought to this committee. I say to you here today that I feel it is absolutely necessary that we put this amendment in the bill. President Roosevelt said further in the letter I have quoted—

That hardly another civil activity of our people bears such a direct and intimate relation to the national security as does civil aviation.

Let us, then, allow the Civil Aeronautics Authority to function with no doubt in any citizen's mind that a change might be made. [Applause.]

Mr. COCHRAN. Mr. Chairman, I think the gentleman from West Virginia [Mr. RANDOLPH] has made the best argument that could possibly be made as to why his amendment should not be adopted. The gentleman knows, as I know, we would not have the Civil Aeronautics Authority, and the Congress of the United States would not have created it in its last session, if it had not been for the President of the United States. The gentleman has read to you the message of the President to the National Aviation Forum. Now, can anyone imagine that the President is going to abolish or cripple an agency of this character in which he himself is so greatly interested?

We all know the progress aviation is making. We all know the necessity for Government assistance. We all know the value that is going to come as a result of the Safety Board and the leadership of the Authority.

I say to the membership of this House that we do not want to fill up this bill with exemptions. The Civil Aeronautics Authority itself has never made a request upon the committee to be exempted, and I hope we can have confidence in the President, who is delegated to do the job, and that he can be trusted not to destroy that which he himself is more responsible for creating than any individual or any official of the Government. If the President can find a way to improve the administration of the act, I am sure he will do it. He is interested in aviation. Remember, he can, if he desires, add to the duties of the Authority, and I predict he will do it rather than in any way impede the progress that is being made.

Mr. LAMBERTSON. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, the gentleman from Missouri has just stated a thing which I emphasized day before yesterday. He guarantees to the gentleman from West Virginia that Civil Aeronautics will not be disturbed. The President, of course, will not abolish his pets and he will, of course, try to destroy the old set-ups which do not respond so freely to him. This is just one of the things I pointed out to you as one of the reasons he should not have this power.

The gentleman from West Virginia is disturbed about what might happen to C. A. in which he is interested. The gentleman from Mississippi is disturbed about the R. E. A. We can all be disturbed about anything we have any particular interest in because the first effect of giving the President the power over all boards and commissions to consolidate or eliminate or do whatever he wants to do with them, is going to put them all at his feet. They will all bow down to him for 2 years. They will all eat out of his hand.

The gentleman from Missouri, the great chairman of this committee, has indicated the weakest thing about the whole proposition. Of course, the President would not hurt any of his own babies. I think everybody ought to be exempted in this bill except the different alphabetical set-ups and then we should let the President work on them all he wants to, after exempting everything else.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. Yes, briefly.

Mr. MAY. The gentleman referred to the fact that these agencies might be at the President's feet eating out of his hand.

Mr. LAMBERTSON. Yes; I think so.

Mr. MAY. What does the gentleman think he is going to have in his hand under the present set-up?

Mr. LAMBERTSON. Power and intimidation.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. In a moment I will yield.

The distinguished Chairman of the Committee of the Whole twice yesterday referred to my statement that I had lost faith in the President. I did not say that I have lost faith in the President, but I do not have faith in his inclination to save money. A man who has added one-third to our bureaucracy is naturally not qualified to reorganize it.

I do not know any better way to express it than to draw a parallel with the parable of the prodigal son. The prodigal son took his portion of the estate and wasted his substance. He came back and lived off the old folks, but the parable does not indicate anywhere that the prodigal son ever was successful afterward or that he ever did anything worth while. A leopard does not change his spots—a spender is a spender. He learned to spend with the money his parents gave him, and that is all he ever had to live on, and he spent that money riotously; the burden of the taxpayers and the sacrifice of his family never haunted him. His father did not ask him to reorganize his business. So how can a man who has done more to spend money than all the Republican Presidents since the Civil War be qualified to reorganize the Government in the interest of economy when, as the Chairman has just said, he will not hurt his babies—and his are one-third of them all? [Laughter and applause.]

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. I yield.

Mr. HOFFMAN. Does not the gentleman recall that the President is the one who had something to do with aviation in connection with the mail contracts, and that he canceled them, and 12 Army boys went to their death?

Mr. LAMBERTSON. I know that he canceled the contracts and used Army planes.

Mr. HOFFMAN. And 12 of them died.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. I yield.

Mr. GIFFORD. The gentleman will have to take a little comfort, as I have done, in being joined with him in an expression of lack of faith. And it is a further comfort to know that we have as much faith as one-half of you, if we are well informed about the whisperings that are going on.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. LAMBERTSON. I yield.

Mr. HOUSTON. The gentleman from Kansas would be for this bill if we had a Republican President?

Mr. LAMBERTSON. I would be for it with any other President, Democrat or Republican. [Laughter and applause.]

I think the amendment of the gentleman from West Virginia [Mr. RANDOLPH] should be supported and everything else exempted from this bill. [Laughter and applause.]

Mr. NICHOLS. Mr. Chairman, I am going to support this amendment, and at the outset I say that I am sure that none of my friends who have worked so hard on this committee to bring out this bill will even think that I want to do anything to hurt the bill, because I do not. I appreciate the feeling of the gentleman that it might be dangerous to let the floodgates down by adopting an amendment which would exempt an additional department, but even in view of all that I say this. I have no interest in the Civil Aviation Authority as a board. I know no member of the Authority except one, and he was for a long time in the Post Office Department, and I knew him in that capacity and not in his capacity on the Board. I am not interested in the personnel of the Board. I am not interested in the longevity of the life of the Board, but I am interested, as I think every other citizen of the United States is interested, in the protection of an infant

industry in this country which is rapidly growing to be a major industry, and which industry forms a strong right arm for the national defense of the country, and I am talking about aviation. Today civil aviation in the United States leads civil aviation of the entire world. We are behind Germany, we are behind many other of the great nations of the world in military and naval aviation, but we lead them all in civil aviation. If my friends of the committee are right, and I think they are, that the President has no intention of bothering this Board, then let us do the thing this year that we did last year when, upon the President's suggestion, we set up a board here for the purpose of making healthy an unhealthy industry.

The aviation industry in this country, up until the creation of the Civil Aviation Authority, was an industry that was losing money every year. It was losing money largely because those interested in it could not get the proper regulations and the proper rules which would allow them to get enough for the transportation of the United States mail and for the carrying of express and passengers to permit them to earn a profit on their investment. We have now got them in a healthy state. Millions and millions and millions of dollars have been invested in this industry, just as it was in the railroads years ago, from which there has not yet been taken a profit. Let us not hold over their heads a threat that perhaps the President of the United States might, if he wants to—though he does not want to, as we all agree—do something to give this industry a serious set-back. Let us take this threat away from them and let us allow this aviation industry, which today is in its swaddling clothes, to grow to a strong, healthy industry in the United States, with no threat of interference.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. RANDOLPH. Is it not true that this is a semilegislative authority which we have created? More than a century ago American genius produced the sailing clipper and the flag of our land was borne proudly over the seven seas. Then came a decline. Is it not a fact that because of the obscurant national policy in respect to our place on the sea, our people watched American ships leave the oceans, and we were faced with humiliation, so that in 1914-18 we found we were deficient in shipping; and if we pursue a similar course in respect to aviation we may find ourselves deficient in the air. We stand in the air now where a hundred years ago we stood on the sea. But we must not remain idle. We are not unchallenged. Our clippers of the sky must not go down as did our earlier clippers of the sea.

Mr. NICHOLS. I am not sure that I can answer the gentleman in respect to this being a semilegislative authority; but I do point out, in answer to the last part of the distinguished gentleman's question, that if today we were forced into war our defenses in the air would probably have to depend upon the equipment in operation by private companies within the United States, who make up the civil aviation industry of the country today.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken; and on a division (demanded by Mr. RANDOLPH) there were—ayes 47, noes 123.

So the amendment was rejected.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mrs. ROGERS of Massachusetts: Page 3, line 17, after the word "Commission", insert "United States Employment Service."

Mrs. ROGERS of Massachusetts. Mr. Chairman, this is a very simple amendment. It would merely insure that the United States Employment Service be kept in the Department of Labor. This amendment has the endorsement of labor, and it has the endorsement of the veterans' organizations, because labor and the veterans realize that if this service is

taken from the Department of Labor, labor and the veterans who want work will not fare so well. It is the only placement bureau that the veterans have at the present time, the only department where the veteran can go and be sure of receiving assistance in getting a job. Twenty-five thousand placements have been made during the past year.

The United States Employment Service was created under a Republican administration that has been carried on as one of the best New Deal departments since the New Deal had its existence. There are 1,600 employment offices all over the United States, and the logical place for this service is under the Department of Labor. [Applause.]

The Department knows all the regulations regarding labor, the wage and hour law, the pay, and the hours of work. It also has very complete records about children, and if children are likely to be employed and should not be, and thereby interfere with the jobs of the older men and women, those children can be prevented from working, as a humane measure. It will also give employment to the older men and women. If it should be put under the Social Security, the benefit department of the Government, it would be an insurance matter and it would be easier to pay them unemployment wages than to pay them real wages. Everybody wants real wages for the people of the country.

The Department of Labor, with its statistical department, knows where all the industries and types of industries are located where employment can be obtained.

I sincerely hope the amendment will be adopted.

Mrs. NORTON. Will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield.

Mrs. NORTON. I would suggest that the amendment is unnecessary because the unemployment service is now in the Department of Labor.

Mrs. ROGERS of Massachusetts. This is not unemployment. This is known as the United States Employment Service. Unemployment compensation is a different thing.

Mrs. NORTON. Of course. It has to do with unemployment, however. The Employment Service is now in the Department of Labor and we intend to keep it there.

Mrs. ROGERS of Massachusetts. Yes, I know that; but this bill does not specify the Employment Service be kept in the Department of Labor. I feel those words should be in the bill in order to clarify it. There has been a great deal of agitation about this. There have been many rumors that it would be placed under Social Security. I have a great many letters concerning it. It does belong there.

Mrs. NORTON. May I say that there is now a bill before the House Labor Committee to retain the United States Employment Service in the Department of Labor? I hope action will soon be taken on this bill, and I am sure the lady from Massachusetts will support this legislation.

Mrs. ROGERS of Massachusetts. Yes, I shall be glad to; but my amendment would keep it in the Labor Department; also it would prevent its transfer to another department, and labor as well as the veterans want it kept where it is.

Mrs. NORTON. It is now in the Labor Department. The amendment is not necessary. I believe that this matter should be dealt with by separate legislation, because it is of very great importance. The Labor Committee recognizes its importance.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Massachusetts [Mrs. ROGERS].

The amendment was rejected.

Mr. WHITTINGTON. Mr. Chairman, I move to strike out the last word.

I do this for the purpose of propounding a question to the committee, particularly to the gentleman from North Carolina [Mr. WARREN]. My question is this: Does the phraseology respecting the Engineer Corps of the United States Army in section 3 under consideration, in the opinion of the gentleman, preclude, without question, the transfer of flood control and river and harbor works from the War Department and from the supervision of the Chief of Engineers?

Mr. WARREN. Mr. Chairman, I will say that it most emphatically does. I do not believe there could be a Member of the House who is more interested in or who has greater respect and appreciation for the Corps of Engineers than I. I am the one who suggested, in the very first reorganization bill we ever had, that they should be completely exempted in every way, shape, and form. I believe that is in accord with the overwhelming wishes of the Congress.

Mr. WHITTINGTON. One other question: Does the term "functions" in this section, with respect to the Corps of Engineers of the United States Army, embrace or mean works and allied activities in rivers and harbors and flood-control improvements now being done by the Corps of Engineers and the Chief of Engineers in and under the supervision of the Department of War?

Mr. WARREN. It certainly does. I would also like to call to the attention of the gentleman from Texas [Mr. MANSFIELD] my answer to the gentleman. I think I can answer it in just one sentence. If it is not a function, then they are not affected by this bill. If it is not a function, then it cannot possibly be affected by this bill, for this bill provides only for the transfer or abolition of functions. If it is a function, then it is specifically exempted under section 3.

Mr. WHITTINGTON. Legislation for river and harbor and flood-control works provides for the construction of those works by the Chief of Engineers, under the supervision of the Department of War. Is the term "Chief of Engineers" synonymous with the word "head" in the section under consideration, so that the work would be done by the Corps of Engineers, under his supervision, in the Department of War, and could not be transferred, and would be exempt from the provisions of this act?

Mr. WARREN. Absolutely. I call the gentleman's attention to the fact that we cite that as a case in our report on this bill, which you will find on pages 5 and 6. We call specific attention to the very thing the gentleman is mentioning now.

Mr. WHITTINGTON. So that not only the intent but the phraseology used does exempt the flood-control, river and harbor works, and allied activities now done by the Corps of Engineers, under the Chief of Engineers, from the provisions of this bill?

Mr. WARREN. There is no question about it.

[Here the gavel fell.]

The pro forma amendment was withdrawn.

Mr. VAN ZANDT. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. VAN ZANDT: On page 3, line 14, after the comma, insert "Railroad Retirement Board."

Mr. VAN ZANDT. Mr. Chairman, the fact that the Railroad Retirement Board is not included in the list of agencies to be exempt from transfer, consolidation, or abolition convinces me that some plan is afoot to make some change in this set-up which affects the welfare of the railroad men of this country.

As many of you know, in June 1937 Congress approved a bill which empowered the President to set up the present Railroad Retirement Board. Up until the present time 2,300,000 individuals employed by the railroads in the United States have paid into the retirement fund of the Board \$102,000,000 as their share. Railroad management has matched this amount with \$102,000,000 as its share. This makes a grand total of \$204,000,000 that has been paid into the Government for the purpose of taking care of pensions or annuities to the railroad employees and to the survivors of deceased railroad workers.

The benefits of this agency of our Government have not cost the taxpayers of the United States one penny beyond a small administrative cost. We therefore consider the Railroad Retirement Board as the baby of the railroaders themselves. We certainly would resent the President's shifting this Board in any way which would affect the operation of the requirements of the Railroad Retirement Act. For this reason I appeal to the membership of this committee to add to those agencies to be exempted from the provisions of this bill the

Railroad Retirement Board so that it may continue to function for the benefit of the railroad employees.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. VAN ZANDT. I yield.

Mr. PATRICK. Has the gentleman as a Member of Congress had an appeal from the Railroad Retirement Board? Has a member of that Board communicated with the gentleman asking that they be excepted?

Mr. VAN ZANDT. They have not.

Mr. PATRICK. Are they apprehensive of this in any way?

Mr. VAN ZANDT. I did not ask them. I speak for the railroad employees of this country and not for the Railroad Retirement Board.

Mr. PATRICK. Have the railroad men been appealing to the gentleman as a Congressman to intercede for them?

Mr. VAN ZANDT. They have contacted me. I have discussed this matter with a large number of railroad men in my home city of Altoona, Pa., one of the Nation's great railroad centers.

Mr. DONDERO. They have such confidence in the gentleman that they know he would intercede for them on the floor of the House without their communicating with him.

Mr. VAN ZANDT. Exactly.

Mr. PATRICK. Have they been writing to the gentleman?

Mr. VAN ZANDT. I did not write to them. I said they had contacted me in person.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we all recall when the gentleman from Ohio [Mr. CROSSER] late one evening presented his bill creating the Railroad Retirement Board, and how the House passed it unanimously. I recall very well after that bill was passed the reception that was given to the gentleman from Ohio—the many nice speeches which referred to his long and honorable service.

With the passage of that bill, the Congress of the United States made an agreement with the railroad men of this country, and there is not a Member of Congress here who will ever live to see the day that this agreement will not be carried out. I say there is absolutely no danger of seeing that act repealed. It will be improved, not repealed. Under the circumstances there is no reason why we should exempt the Railroad Retirement Board in this bill.

I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 76, noes 93.

So the amendment was rejected.

Mr. CROSSER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CROSSER: On page 3, line 18, after the word "Commission", strike out the word "or", and after the word "Administration" strike out the semicolon and insert the following: "National Mediation Board, National Railroad Adjustment Board, or Railroad Retirement Board."

Mr. CROSSER. Mr. Chairman, the amendment which I have just offered provides for the exemption of three agencies with the creation of which I had a great deal to do. The older Members will recall how at midnight in the closing hours of the session in 1934 I stood there where the gentleman from Utah [Mr. ROBINSON] now sits and pleaded for concurrence in the Senate amendment to the railway labor bill creating the present Mediation Board. This law has been heralded from one end of the country to the other as a means of settling disputes between employers and railroad employees. It probably suggested the establishment of the N. L. R. B. We find the N. L. R. B. exempted, but the Mediation Board is not exempted, nor is the Railroad Retirement Board. Three times we passed a Railroad Retirement Act before a retirement system actually operated in the full sense of the word.

Let me call your attention to the fact that no other agency of the Government functions exactly as do these three

agencies. They are peculiarly adapted to the needs of the railroads and the railroad workers' problems. The railroad pension bill is entirely different from anything else that the Government has established, and even to make it possible to consolidate it with something else would be a grave mistake. The same is true of the Adjustment Board. The Adjustment Board would not operate or work in the adjustment of any other labor dispute. Those who think so just do not understand the situation.

Now, Mr. Chairman, this is not only my request, but the spokesmen of all the railroad men throughout the country ask for this exemption. These men know how hard it was to have this legislation passed; and I submit to the Members here who have had to do with railway labor legislation that railroad labor never comes here with an unreasonable or foolish demand. When they do come, it is for something that is well considered and supported by sound reason.

Let me read a telegram I received the other day:

WASHINGTON, D. C., March 6, 1939.

HON. ROBERT CROSSER,

Member of Congress, House Office Building:

H. R. 4425 reported favorably to House, March 3, which I understand will likely come up for consideration early this week would, if enacted, seriously jeopardize if not destroy rights and interests which have been secured by railway labor only after 50 years of struggle. The National Mediation Board, National Railroad Adjustment Board, and the Railroad Retirement Board, agencies in which railroad labor has a vital interest, are not excluded from the bill. I am reliably informed of a well-directed effort to bring about the abolition of these boards which would unquestionably result in incalculable harm to railroad workers throughout the country. On behalf of the 20 standard railway labor organizations I urge upon you most strongly that when this measure comes up in the House if adequate provision has not been made by the committee to insure exclusion of these agencies you call upon the friends of railway labor who have so generously made possible the rights and protection now enjoyed by railroad workers under the laws creating these agencies, to amend the bill by adding to section 2, page 3, line 18, after words "Veterans' Administration," the following: "National Mediation Board, National Railroad Adjustment Board, and the Railroad Retirement Board."

GEORGE M. HARRISON,

Chairman, Railway Labor Executives' Association.

[Here the gavel fell.]

Mr. COX. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia [Mr. Cox]?

There was no objection.

Mr. CROSSER. Mr. Chairman, there is the statement of the man who represents the great army of railroad workers throughout the United States. As I said before, these are highly honorable men, men who are intelligent, men who give sound reasons for what they ask. These men, through their official spokesman, have sent me the telegram which I have just read to you. Are we—after the many months of labor which the committees and the House and Senate have devoted to these measures—are we to make it possible to do what this telegram says may happen?

Mr. MAY. Will the gentleman yield?

Mr. CROSSER. I yield to the gentleman from Kentucky.

Mr. MAY. I am sure I would be entirely incapable of paying a just tribute to the gentleman from Ohio in his loyalty to the railroad men of this country; but is it not possible that your informant is laboring under a misapprehension due to the fact that certain other agencies have been exempted in the bill and he, Mr. Harrison, is under a misapprehension that those agencies not specifically exempted are being abolished, when, as a matter of fact, the President, labor's greatest and best friend, can be trusted to deal fairly with them and will undoubtedly do justice to all labor?

Mr. CROSSER. I did not yield for a speech.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. CROSSER. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. I not only wish to pay the gentleman a tribute for what he has done already, but I think he is right in regard to the pending amendment. Did the gentleman not make the statement that these agencies are different from all others because they deal distinctly with the problems and also with the money of these railroad men?

Mr. CROSSER. The gentleman is correct. This railroad retirement law does not involve a single penny of Government money. Do not forget that. There are just two groups involved. The railroad men pay half the money to the Railroad Retirement Board and the railroads pay the other half. Not a single penny of Government money is expended for the system.

Mr. RISK. Will the gentleman yield?

Mr. CROSSER. I yield to the gentleman from Rhode Island.

Mr. RISK. Does the gentleman think this measure constitutes a threat to the well-being of the railroad laboring men of this country?

Mr. CROSSER. I have read what the president of the Labor Executives Association has had to say in reference to the matter. I add to that what the gentleman from Arizona mentioned a moment ago, namely, that the money which goes into this fund, the money to be used for pensions, is paid in one-half by the railroads and one-half by the railroad men themselves. Not one penny is paid by the Government of the United States.

Mr. COOLEY. Will the gentleman yield?

Mr. CROSSER. I yield to the gentleman from North Carolina.

Mr. COOLEY. Who is it that is threatening to abolish these boards?

Mr. CROSSER. I refer the gentleman to the telegram which I have read.

[Here the gavel fell.]

Mr. COX. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio [Mr. CROSSER].

Mr. Chairman, during my 14 years' service in this House I have looked upon and regarded the gentleman from Ohio [Mr. CROSSER] as the authorized and responsible spokesman for the railway laboring people of this country. He has never failed to champion their cause, and, in my opinion, had contributed more to the advancement of their welfare than any other single individual or group of individuals in the Nation. [Applause.]

I expect him to take advantage of every opportunity to testify to the fine patriotism of the people in the railway service of this country. However, Mr. Chairman, I think if he has any apprehensions with respect to what may happen of an unfavorable character to these agencies, in behalf of which he now speaks, that those apprehensions are not well founded.

I am sure that the railway workers of the country look upon the President of the United States as their best friend and gladly give him credit for having done more for the workers than any other single individual who has ever occupied that high official station in the Nation. There is no one here who would participate in the setting up of any sort of situation which would admit of injury to these agencies of the Government which serve the special need of the railway workers.

The difficulty, Mr. Chairman, is that no stronger reasons can possibly be offered for exempting the agencies named in the pending amendment than may be offered by those who hold themselves out as special pleaders for many of the other agencies which could be affected as a result of performance under the law. If we open the door for the exit of the agency or agencies in behalf of which the gentleman just spoke, there will be no possibility of closing it against others who for reasons satisfactory to themselves wish to escape.

Mr. Chairman, I submit that in the interest of the bill pending before us today the amendment should be rejected. I am confident that those of us voting against the amendment will do so with complete confidence that the President in the exercise of the powers that are delegated to him will do nothing that will in any wise impede or affect the agencies in their operations.

Mr. Chairman, I ask that the amendment be rejected.

Mr. MOSER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would be untrue to nearly a quarter of a century's association with labor among railroad employees if I did not rise on this occasion to support the amendment offered by the gentleman from Ohio [Mr. CROSSER].

All that he has said with respect to railroad employees I wholeheartedly endorse. But leaving it rest just at that point, I should like to leave with the Committee this thought, that were we to visualize the possibility that the Railroad Retirement Board, for example, were to be merged or placed under the control of another agency of government, it would seem to me the Social Security Board would be the logical hand of government that would reach out to grasp control of this splendid organization. To those of you who have shared with me experience in dealing with these agencies of the Government, may I say I should like to ask you to contrast your experience in dealing with Mr. Latimer and Mr. Lynch, of the Railroad Retirement Board, and the efficient railroad employees they have brought together there from the different sections of the country to deal with the Members of Congress who must contact them, and your experience in dealing with Mr. Altmeyer, of the Social Security Board, or with Mr. Bane, who is no longer with the Board, and the Council of State Governments will doubtless learn to know him as we did. You all know the distinction and the difference. I sincerely trust my friends and colleagues of this Committee will vote to endorse the amendment offered by the gentleman from Ohio [Mr. CROSSER].

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. MOSER. I yield to the gentleman from Georgia.

Mr. COX. Does the gentleman recall that when the reorganization bill was before the House in August 1937, it did not exempt from its provisions the agencies in behalf of which the gentleman now speaks, that they did not ask to be exempted, and that the gentleman from North Carolina [Mr. WARREN], who was handling the bill, stated on the floor that the railway workers of the country supported the bill he was then offering?

Mr. MOSER. Some of these agencies were not in existence at that time. Moreover, I will say this regarding our vote in 1937 on the reorganization bill that passed this House at that time, if I could recall that vote, having experienced much to change my mind, I would recall it today.

Mr. Chairman, I yield back the remainder of my time.

[Here the gavel fell.]

Mr. SCHAFER of Wisconsin. Mr. Chairman, I rise in support of the pending amendment submitted by the distinguished friend of labor from Ohio [Mr. CROSSER]. I do not desire to trespass on your time and cover the ground which he has covered. I heartily endorse everything he has said. I am somewhat surprised to find members of the committee in charge of this bill opposing his very meritorious amendment. The argument made by the gentleman from Ohio [Mr. CROSSER] is unanswerable.

The daddy of the bill, my good friend the gentleman from Missouri [Mr. COCHRAN], with whom I served for many years on the Committee on Expenditures in the Executive Departments, should be the first man to rise in his place and accept the pending amendment, in view of his splendid labor record since he has been a Member of the Congress.

As the gentleman from Ohio indicated a reorganization or consolidation of these agencies would break faith with those whose affairs they handle and would not result in economy or greater efficiency, but would only create chaos, extravagance, and inefficiency. The great recognized railroad labor organizations are in favor of this amendment. They have never been unreasonable and this House should overwhelmingly support their position.

I sincerely hope that all of my Republican colleagues will vote for the fair and just amendment offered by our distinguished Democratic colleague, the great friend of labor and able legislator, the gentleman from Ohio [Mr. CROSSER]. If the amendment is defeated, let it not be said that Republican votes were responsible. I call upon the leadership of my party to place this amendment in our motion to recommit if it is defeated now, so that the railroad employees of the country

can see who their friends are and who their enemies are. [Applause.]

[Here the gavel fell.]

Mr. LORD. Mr. Chairman, I move to strike out the last two words.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. LORD. I yield.

Mr. COCHRAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 7 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate on the pending amendment close in 7 minutes. Is there objection?

There was no objection.

Mr. LORD. Mr. Chairman, I rise in support of the amendment of the gentleman from Ohio [Mr. CROSSER] exempting the Railroad Retirement Board from this bill. It has taken many years for the railroad men of this country to get legislation they wanted that would help to care for them in the days when they could no longer work on the railroad. To bring them under the provisions of this reorganization bill will create distrust in their minds and they will all be on edge and wonder what is going to happen. We have exempted many different departments in this bill. If there is reason for exempting any department, there certainly is very good reason for exempting the Railroad Retirement Board. This Board has only just got started, it has just got so it can function, and to give them cause for distrust, to make them wonder what is going to happen, including possibly combining them with some other department, is only going to create confusion, and it will take much longer for men who have retired to get their retirement pay than it will if the Board is permitted to continue the way it is now and knowing it will not be disturbed.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. LORD. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. The Bituminous Coal Commission has been in operation now for nearly 2 years. It has cost the coal people, it is charged, \$50,000,000 and the taxpayers \$20,000,000 more, but has done nothing to help the industry. Why is it exempted from this reorganization bill? Does not it need reorganizing?

Mr. LORD. That is something I cannot understand.

Mr. ROBSION of Kentucky. Then an effort is here made to subject to reorganization the Railroad Retirement Board and other boards for railroad workers which have functioned efficiently and well. I favor exemption of all these rail workers' boards.

Mr. LORD. If the Bituminous Coal Commission or the Civil Service Commission or any other of the some 16 or 18 other activities are going to be exempted, certainly the Railroad Retirement Board should be exempted from overhauling or combining with some other department.

Someone has said there has been no protest from the railroad men. This is a bill that was slipped out of committee before it was even printed and available. I tried to get a copy of this bill on Saturday and one was not available, yet they came before this House with the bill on Monday. What opportunity did the railroad men have to protest?

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. LORD. Not just now.

What opportunity have they had to present any objection to legislation they did not even know was being considered?

I think we will hear from the railroad men if we do not exempt them from this bill, and I hope all the friends of the railroad men will rise up at this time and support the amendment of the gentleman from Ohio [Mr. CROSSER]. [Applause.]

[Here the gavel fell.]

Mr. CROSSER. Mr. Chairman, since a number of Members seem to be somewhat in doubt about what was stated in the telegram which I read a few minutes ago, I shall read from the telegram, as follows:

I am reliably informed of a well-directed effort to bring about the abolition of these boards, which would unquestionably result in incalculable harm to railroad workers throughout the country. On behalf of the 20 standard railway labor organizations, I urge upon you most strongly that when this measure comes up in the House, if adequate provision has not been made by the committee to insure exclusion of these agencies, you call upon the friends of railway labor who have so generously made possible the rights and protection now enjoyed by railroad workers under the laws creating these agencies, to amend the bill.

This is signed, "George M. Harrison, chairman, Railway Labor Executives Association."

This association includes the heads of all railway labor organizations in the United States. [Applause.]

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I come from a city that is entered by 32 trunk lines and no train ever goes through the city. Trains either make up or end their run in St. Louis.

I have been a friend of the railroad men all my life. They know it. I talked with the officials of the railroad organizations last Saturday and again Monday, and they promised to let me know, after the conversations I had with them, if they were not satisfied. I have not heard from them. As a friend of the railroad men, if I thought there was anything in this bill that would hurt them in the future, I would not support it. I am supporting the bill as it is, and I have just as many railroad employees in my district as practically any man in this House, and I cherish their friendship. I am satisfied they will not be harmed by this bill as it is.

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. CROSSER) there were—ayes 126, noes 100.

So the amendment was agreed to.

Mr. ALLEN of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALLEN of Pennsylvania: On page 3, lines 13 and 14, after the comma in line 13, strike out the words "National Bituminous Coal Commission."

Mr. ALLEN of Pennsylvania. Mr. Chairman, so that there will be no misunderstanding regarding this amendment, let me explain that it provides for the elimination from the list of exemptions of the National Bituminous Coal Commission.

As I understand it, the prime purpose of this bill is to reduce Government expenditures and to abolish such Federal agencies and functions as may not be necessary for the efficient conduct of government. With this purpose firmly in mind it is difficult for me to understand why the National Bituminous Coal Commission, one of the most expensive and profligate and worthless agencies of government, should be placed in the list of exemptions. [Laughter and applause.]

About 2 years ago we created the Bituminous Coal Commission and since then it has spent some six or seven million dollars. I would like to ask anyone on this floor who can name one single benefit emanating from that Commission to stand on his feet and name it. It has helped neither the operators nor the miners. The operators in my district, which is one of the largest soft-coal producing districts in the United States, are worse off than they were before the passage of that bill. There is more unemployment among the miners today than there was before we created the Bituminous Coal Commission.

I have many letters in my files, and I hope to bring them to the attention of the House tomorrow when we are considering the appropriations for the continuation of the Bituminous Coal Commission, and these letters, without exception, ask that the Commission be abolished or reorganized fully. I do not want to see the Bituminous Coal Commission excluded from the possibility of abolishment in the first place, and drastic reorganization in the second. Instead of eliminating or exempting the Commission from the provisions of this bill, I believe it should be held close to the eyes of the Chief Executive for the closest possible scrutiny, and I hope the Members of the House will support this amendment and

eliminate from the list of exemptions a Commission which has been absolutely ineffective and which has failed to justify its existence in every respect. [Applause.]

[Here the gavel fell.]

Mr. WARREN. Mr. Chairman, I realize the force of the argument just made by the gentleman from Pennsylvania [Mr. ALLEN]. I would not be frank with the Committee if I did not say that the sole and only purpose of retaining this Commission in the list of exemptions is because it has been in prior bills. I do not think I have anything further to say about it. So far as we are concerned as a committee, it does not make any difference to us. It is carried simply because it was in the other bills.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. WARREN. Yes.

Mr. ANDREWS. I am wondering how long the gentleman considered this bill, if the only reason that this appears is because it was in other bills.

Mr. WARREN. Oh, the bill has had plenty of consideration and plenty of debate on the floor. I am frankly stating to the House why it is included, and if the House wants to take it out it is a matter for the Committee to decide.

Mr. MAY. Mr. Chairman, I move to strike out the last word. I was engaged in telephone conversation with the chairman of the Senate Committee on Military Affairs and just walked into the Chamber. I understand the proposal here is to strike the Bituminous Coal Commission out of the list of exempted agencies in section 3, whereby it is exempted from reorganization and made subject to it. Mr. Chairman, the Bituminous Coal Commission is an organization having an existence of a little over a year. It is one of those agencies of the Government that pays its own way by a tax levied against the industry itself.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MAY. Not now. There is a tax levied against its own operators and producers, and it has not asked the Government to pay any part of its expenses. The institution is just now to a point where it is able to begin to function. It has been trying to organize, to be effective as an agency, to control and regulate the sick, the desperately sick coal industry. To disturb it now and put it in a state of uncertainty would make it impossible for it to do what it was organized to do. I do not know why the amendment is offered to take it from these exceptions, because I did not hear the remarks of the gentleman from Pennsylvania.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield there?

Mr. MAY. But I do say it is suffering from one of the worst kind of politics emanating from the State of Pennsylvania. That has been one of the obstructions to its progress so far. Perhaps the gentleman can explain that, and for that purpose I yield to him.

Mr. ALLEN of Pennsylvania. If the gentleman had remained on the floor, he would have heard why I think this should be exempted from the list which appears in the bill. It is for the simple reason that after 2 years and the expenditure of millions of dollars it has failed to accomplish one single constructive act.

Mr. MAY. Is the gentleman asking me a question?

Mr. ALLEN of Pennsylvania. I am just explaining. The gentleman asked me a question and I am trying to answer him.

Mr. MAY. I think the gentleman has stated his position very well. I come from a district that produces 20,000,000 tons of coal each year. I know that the operators in my district throughout the Appalachian coal area all over the United States, with the exception of two of the larger ones that are always kicking about something, are eminently satisfied with the operation of the National Bituminous Coal Commission, and I know that the Commission is just now to a point where it is able to do that which it has been working 4 months to do, and while I do not think it would be particularly disturbed by the President in any reorganization, yet I say that it would continue this feeling of disturbance and uncertainty

which would make it impossible for it to function as the Congress intended it to.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MAY) there were—ayes 164, noes 53.

Mr. DOWELL. Mr. Chairman, I demand tellers.

The CHAIRMAN. Tellers are demanded. As many as are in favor of taking the vote by tellers will rise and remain standing until counted. [After counting.] Three Members standing, not a sufficient number, and tellers are refused.

So the amendment was agreed to.

Mr. MOTT. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MOTT: Page 3, line 10, after the words "Coast Guard", insert "United States Forest Service."

Mr. MOTT. Mr. Chairman, this amendment adds the United States Forest Service to the list of exempted agencies under section 3 of the bill. I think every Member of the House is familiar with the argument in support of this amendment. It was made when the last reorganization bill, in 1938, was in the House; and although that bill did not pass, it is my recollection that an amendment similar to this one was adopted.

There is every reason, it seems to me, why the United States Forest Service should be included in the list of exempted agencies. There is no real reason that I know of why it should not be so included. The Forest Service of the United States, with the possible exception of the Corps of Army Engineers, is the most competent, the most experienced, and the most expert organization of any agency in the executive branch of the Government.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Missouri.

Mr. COCHRAN. The gentleman stated that the amendment was adopted. The amendments that were offered to the bill in 1937 and in 1938 were defeated. They were not adopted.

Mr. MOTT. It is my recollection that the amendment offered to the 1938 bill was adopted.

Mr. COCHRAN. Oh, the gentleman was in favor of it, but the amendment was defeated both in 1937 and 1938.

Mr. MOTT. I may be mistaken, of course, but my recollection is that it was adopted. It makes no very great difference inasmuch as the bill did not pass. If the amendment was not adopted it was at least a very close vote.

Mr. COCHRAN. Well, the RECORD will show.

Mr. MOTT. Naturally, the RECORD will show, and, of course, I stand corrected if I am in error. However, whether an amendment of this kind was adopted or not last year in the bill which did not pass, it should by all means be adopted this year in the pending bill, which most Members here believe is going to pass today.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield to the gentleman for a question.

Mr. WALTER. Does the gentleman propose this amendment because he is apprehensive that the Forest Service will be placed back in the Interior Department, where it was up to the time it was moved in order to give a job to Gifford Pinchot?

Mr. MOTT. Frankly, it is my opinion that if the Forestry Service is not exempted it will be transferred to the Interior Department. I did not want to go into that, but since the question has been asked directly, I will simply state what I think nearly everyone already knows. For years and years there has been agitation on the part of the Department of the Interior to take over the Forest Service. This effort has been bitterly fought by the Department of Agriculture. Most people who have had very much to do with forestry matters are of the opinion that if the Forest Service is not exempted the transfer will be made.

In every State in the Union where there are national forests private lumber concerns operate at least to some extent

in those forests. The Forest Service has the best logging system that has been devised, the best conservation methods, and the best plan of disposing of the merchantable timber which should be cut. It has been cooperating with the timber operators and sawmill operators in nearly every State in the Union, and this cooperation has been of the greatest advantage both to the Government and to the lumber industry, upon which many States depend for their major pay rolls. All timber-producing States are familiar with the policy and the methods of the Forest Service which now exist, and they are unanimously in favor of the retention of that Service in the Agricultural Department.

It would be a blow to every timber-producing State in the Union if the United States Forest Service were transferred to some other department which has had little or no experience in the administration of national forests. This certainly is not a partisan matter. I think it should have just as much support upon the Democratic side as upon the Republican side. It is a meritorious amendment, and I trust it may receive the approval of a majority of the Members on both sides of the aisle. [Applause.]

[Here the gavel fell.]

Mr. ROBINSON of Utah. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are just as many reasons for defeating this amendment as any of the others that have been defeated; in fact, possibly more.

If we permit this agency to be exempted, then, as a matter of logic and justice, there are at least 56 other agencies that should receive the same treatment, because they are in the same condition as this particular agency.

As far as I am concerned, in my State the Forest Service is a very popular agency. We think a great deal of this agency. It is doing a fine work. We have no objection to the Forest Service being operated as it is now, but there are 14 different agencies that deal with forestry in the United States. Now, get that into your minds. Fourteen different agencies. For instance, the United States Forest Service itself only operates 174,198,902 acres of forest lands. The Grazing Division operates 110,000,000 acres of land. The Biological Survey operates 11,492,165 acres, and the National Parks Service operates 15,491,165 acres. In other words, there are 14 different agencies under the Government handling our forest.

Mr. MOTT. Will the gentleman yield for a question?

Mr. ROBINSON of Utah. Now, if there is any one agency in the Government where the President should have the right to consolidate any overlappings or any other work at all in connection with the operation of those agencies, this is the agency that should receive that consideration.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. In just a moment.

I want to say further that there is no reason why the Democratic Members, or, for that matter, the Republican Members should feel at all alarmed about giving this authority to the President of the United States. There is no assurance that this will be turned over to the Interior Department.

Mr. MOTT. Will the gentleman yield there?

Mr. ROBINSON of Utah. In just a moment. If I have time, I will. The President has made no pronouncement to the effect that this will be turned over. There will be an investigation made. Facts will be found, and if the facts warrant turning over this agency to one department, then the President will come back to Congress and recommend to this Congress that that be done, and the Congress will have a chance to vote on it.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. SIROVICH. Is it not a fact that the greatest economy could be effected by uniting 14 different organizations, with their personnel, into one department so that the Republicans can help us bring about economy, in which they are interested?

Mr. ROBINSON of Utah. I am not saying that they could or could not, but I am saying that the President of the

United States should have the right to make an investigation of this department, and if, after that investigation is made, it is determined that certain things should be done with reference to those agencies, he should have the right to do it. I am saying that in face of the fact that the Forest Service is doing a fine work, and the men from the West are in sympathy with the Forest Service. We do not want anything to happen that will interfere in any way with the effective operation of the Forest Service, but we do think there can be economies made and changes effected that will help this agency.

Another thing we must bear in mind is that different agencies will operate side by side. An operator on one side of the line will be working under the Forest Service and an operator on the other side will be operating under the Biological Survey or the Department of the Interior. Is it anything more than fair that we should investigate these conditions and find out which of these agencies can best handle the operation and then when it comes back to the Congress under the recommendation of the President have the right to vote our convictions?

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. MOTT. Outside of possibly the O. and C. grant lands, does the gentleman know of any forestry work of the Department of the Interior that is similar in character to the forestry work of the United States Forest Service?

Mr. ROBINSON of Utah. I will grant that there is considerable difference in the forestry of Oregon as compared with some of the other States. It stands on its own footing to a very large extent.

[Here the gavel fell.]

Mr. ELLIOTT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, there is not a Government agency or a department, a bureau, that has discharged its functions and duties with a higher type of efficiency and integrity than the Forest Service. It is one of the most important Government agencies we have. In the control of our watersheds, in restoration of our watersheds, and in control of floods, and our very existence is absolutely dependent on the function of the Forest Service of this Government. The Department of Agriculture wants to retain it, while another department wants to take it over and absorb it. I would like to comment on the personnel. It is the highest type to be found in any Government agency. The Forest Service should not be transferred for the best interests of agriculture as is, agriculture being the backbone of our Nation.

Let me say further that we must not forget the real extent to which we depend upon this able division of the Department of Agriculture. I do not believe the House will make any mistake in leaving it where it is. Very few times in my short career here have you heard me say a word, but I am asking the Democrats to support the amendment offered by the gentleman from Oregon. I think it is in the interest of good government to assure the perpetuation of a service that has meant so much to our Nation. I hope the amendment is adopted. [Applause.]

Mr. MURDOCK of Utah. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MURDOCK of Utah to the amendment offered by Mr. MOTT: At the end of the amendment offered by the gentleman from Oregon insert the following: "of the Department of Agriculture."

Mr. MOTT. Mr. Chairman, so far as I am concerned I accept the amendment.

The CHAIRMAN. The gentleman from Utah is recognized for 5 minutes.

Mr. MURDOCK of Utah. Mr. Chairman—

Mr. COCHRAN. Mr. Chairman, will the gentleman yield to permit me to submit a unanimous-consent request?

Mr. MURDOCK of Utah. I yield.

Mr. COCHRAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MURDOCK of Utah. Mr. Chairman, the only purpose of my offering this amendment at this time is that we have been advised that there are 14 different agencies of the Government now administering forest lands. I believe the gentleman from Oregon intends to exempt only the Forest Service of the Department of Agriculture. My amendment limits the exemption to the Forest Service of the Department of Agriculture and is offered only for the purpose of clarifying the amendment offered by the gentleman from Oregon.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Idaho [Mr. WHITE], is recognized for 5 minutes.

Mr. WHITE of Idaho. Mr. Chairman, I represent a district that contains the greatest concentration of national forests in the United States, the First Congressional District of Idaho. The land embraced in this national-forest area is not all forest land and the resources located in this mountainous section are not all timber. We have a number of Government agencies dealing with the undeveloped resources of the United States located within this section, within the boundaries of the national forests. We have within the boundaries of the district I represent what has been said by the Bureau of Mines to be one of the greatest undeveloped gold fields in the United States. Much of this country is isolated and inaccessible. Operating within this district also we have the Geological Survey, the Division of Public Grazing, the National Park Service, and a great many agencies all with divided authority and divided attention.

It is my idea that these lands should be committed to one management. Let me point out to the gentleman from Oregon that he was interested in a bill to create an entire new service, a new Forest Service, if you please, to administer the 2,500,000 acres of the Oregon-California land-grant forests which is under the jurisdiction of the Department of the Interior. We have today in the executive branch of the Government two Forest Services, one under the Department of Agriculture administering the national forests, and the other under the Department of the Interior administering the Oregon-California land grants, a duplication of service.

Let us pass this amendment, let us give somebody in the United States, to the President if you please, the man who is Commander in Chief of our Army and of our Navy, authority to put the forests under a unified control, under the same management. Let us pass this bill without this amendment.

Mr. MOTT. Mr. Chairman, let me ask the gentleman from Idaho the same question I asked the gentleman from Utah.

There are the O. and C. lands, and I know the gentleman is aware of the fact why they are in the Interior Department, because they have been there since they were revested 16 years ago. You could not put them any place else. Outside of that, does the gentleman know of any forest administered by the Interior Department that is similar in any way to a forest administered by the Department of Agriculture? In other words, are there not two distinct and separate jurisdictions and functions? The function of the Interior Department, insofar as forests are concerned, is to create national parks and conserve trees in them.

Mr. WHITE of Idaho. I did not yield for a speech. I want to use my own time.

Mr. Chairman, the gentleman has cited a divided authority. There are grazing districts within these lands that are interlaced with the national-forest lands under the jurisdiction of the Department of the Interior; and there are also some grazing lands under the jurisdiction of the Department of Agriculture. This involves some difficulty when it comes to cattle grazing on this land.

I have tried to have passed a bill to place all of this land in the national forests, so that there would be one authority, so that there might be order in handling the grazing of the cattle on public land, but I have been unsuccessful, due to

the controversy between the two Departments and the divided authority. These Departments are always at war and they are always in trouble with one another.

Let us carry out the provisions and intent of this bill and vote down the amendment. [Applause.]

[Here the gavel fell.]

NATIONAL FORESTS AND NATIONAL PARKS

Mr. CASE of South Dakota. Mr. Chairman, the gentleman from Utah [Mr. ROBINSON] said that there were several agencies operating these timberlands and implied that they should be under the same administration regardless of the purposes for which the timberland is operated. It does not seem to me that should be any more true than if we should say that regardless of the different purposes for birds in the country they should always be managed by a single agency. You can have birds for a circus, you can have birds for a zoo, or you can have birds for a poultry farm.

We have the National Park Service operating some timberlands for park purposes. We have the National Forest Service operating some timberland for a variety of uses. Each of those Departments in its particular field is doing a fine service. However, we have two entirely different aims, two purposes to be served.

I have seen both of these services operating in my district and I admire them both. It happens that my home town is the headquarters for the Harney National Forest, which I believe was the first forest in the country to be placed under the control and operation of the National Forest Service, in which they put into effect the principle of cropping the forest, supervising the cutting. Today the Harney National Forest stands first in the entire Denver region in the production of timber revenue to the National Government.

Mr. WHITE of Idaho. Will the gentleman yield? I think he has made a mistake.

Mr. CASE of South Dakota. The gentleman is probably proud of his forests, too. The fact is that the National Forest Service operates the forest from the standpoint of a multiple-use program. It recognizes that timberlands can be operated for grazing without interfering with the management of the timber for cropping purposes. It recognizes that mineral land within a national forest can be operated for mining without injuring timber as a crop. It recognizes, also, that you can use the national forests for certain recreational purposes without interfering with mining or timber cropping. All of these several purposes are carried out, one without interfering with the other.

When you come to the National Park Service you have a different proposition. Here the purpose is to maintain the forest in its primeval state. The National Park Service seeks to preserve the natural features of the timberland. You have an entirely different and proper park purpose to be served. The National Park Service does not want its timber cut. It does not want any mining carried on. It does not want any public recreation of the kind that would interfere with the preservation of the natural character of the timberlands. So you have two entirely different propositions.

Those of us who see them operate side by side are not aware of any conflict. In many cases timberlands of the National Forest Service are located alongside of forests of the National Park Service. I have seen the two operate in very close cooperation for fire prevention but each has a different primary purpose. The personnel of the Park Service is trained primarily to serve the traveling public; the personnel of the Forest Service is trained primarily to administer the forest for a multiple-use program of a timber crop, a grass crop, mining, and such additional public uses as can be carried on. I feel that the operation of the two should be kept separate and distinct, and I make this statement based upon personal observation.

Mr. SIROVICH. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from New York.

Mr. SIROVICH. If we are to have economy why should not these 14 agencies be united into 1 group and each one subdivided to do the work the gentleman is talking

about? You people on this side stated when the bill came up this afternoon that you wanted economy, but when it hits home in your own State you are selfish enough to see that they act independently.

Mr. CASE of South Dakota. Ah, but the gentleman would not get economy; he would get waste and confusion. We are not objecting to the consolidation of timberland operations where there is the same purpose; the pending proposal only exempts the Forest Service of the Department of Agriculture. If the gentleman followed closely what I said, he would know that I was pointing out the fact you are leaving the way open for an unwise consolidation of two purposes that are entirely separate and distinct, and will mean waste instead of economy or efficiency.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. The gentleman admits there are two forest services in operation, one operating under the Department of the Interior, administering the California-Oregon land grants, and another one administering the national forests. We have at the present time two forest services in operation. Does not the gentleman think they ought to be united?

Mr. CASE of South Dakota. The National Forest Service operates forests from the viewpoint of a multiple-use program, and that is entirely different from the park purposes of the National Park Service.

Mr. SCRUGHAM. Mr. Chairman, I rise in opposition to the amendment. One of the greatest problems in the West is the control of grazing. A portion of the grazing area is under the supervision of the Forest Service, for whose fine work I have the highest regard. The grazing lands affected are not usually within the actual forests. The grazing lands are largely sagebrush and grass areas. Immediately adjoining them may be other areas of sagebrush and grass under the jurisdiction of the Interior Department. Sheep, cattle, and horses are grazed on this public domain under permits from the Government agency having jurisdiction. There should be only one agency. In eating its daily food the grazing animal does not know whether it is under the jurisdiction of the Department of the Interior or the Department of Agriculture. It may be violating the law, as a separate permit is required for grazing under each Division. There should be some consolidation of grazing activities. That will necessitate a change in the Forest Service organization, which the President will be empowered to make under the terms of this proposed act. The consolidation will be hampered by the amendment.

Mr. Chairman, I trust the amendment will be defeated.

Mr. MARTIN of Colorado. Mr. Chairman, I have three fine forest reserves in my district, and I am for the Forest Service just as strongly as any man in this House, but this is the practical situation I am up against. At the request of counties, towns, and civic groups who want these lands protected and reforested I introduce bills here to create small additions to national-forest reserves, and the Department of Agriculture approves the bills, and the Department of the Interior disapproves them, so they are hung across the fence, and we never get any action on them. I have had this situation existing for 4 or 5 years. These Departments hang onto these lands just as if they owned them. You never will correct this condition unless you put all the public domain under one jurisdiction. For that reason I am against the amendment. [Applause.]

Mr. COCHRAN. Mr. Chairman, if there are any agencies in the Government service that needs to be revamped it is the 14 or 15 agencies that are handling Government land. Here the gentleman from Oregon [Mr. MORT] is attempting to take a very small unit in the Department of Agriculture and exempt it. How about all the other units in all the other departments?

You are now considering a unit of the Department of Agriculture for exemption which is the most outstanding propaganda outfit in the entire Government, the Forest Serv-

ice. I had photostatic copies of the letters of the forestry organizations and they are proof of the statement I just made.

Let me say further that I do not know why they are interested, although maybe some of the gentlemen who favor this amendment might know; but I want to tell you the big lumber interests of the western part of the country want this amendment adopted. Why? I do not know. I do not live in that part of the country where the great forests are, but when men who do live there tell you this amendment should be defeated, I know it should be defeated. I do not care where you put these units handling Government land, but they should all be under one head. When you talk about saving money, certainly you must admit that is the way to save it. You have heard how different agencies have their organizations alongside one another both doing the same kind of work, using the same kind of machinery. Picture, if you will, two adjoining farms and you have an idea of what this means. In this instance, however, the Government owns both pieces of property but two agencies, one controlling one part of the property and another controlling the adjoining one.

Mr. Chairman, Congress has placed on the statute books the laws that govern in administering these laws, and I say to you no matter what individual is in charge they are going to be administered as Congress intended they should be.

There might be some excuse for a Member offering an amendment to exempt some independent agency, but an attempt to exempt a small unit of an executive department is certainly out of reason. The amendment should be voted down. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Oregon [Mr. MORT].

The question was taken; and on a division (demanded by Mr. MORT) there were—ayes 101, noes 148.

So the amendment was rejected.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: Page 3, line 21, insert the following:

- "(d) For the continuation of any temporary or emergency executive agency or function beyond the period authorized by law; or
- "(e) For the creation or establishment of any new executive agency to exercise any functions which are not expressly authorized by law in force on the date of enactment of this act; or
- "(f) For an increase in the number of executive agencies above the number in existence on the date of enactment of this act; or
- "(g) For the increase or extension of the legislative authority of any executive agency or part thereof transferred."

Mr. DIRKSEN. Mr. Chairman, the one happy circumstance about the deliberations of this Committee is that the members are acting in their free and independent right. You will recall the chairman of the committee handling this bill stated that it has never been sullied by contact with an executive department; it has never been profaned by coming before the eyes of Mr. Corcoran or Mr. Cohen. So far as anyone in this House knows, including the members of the committee, this bill may or may not be acceptable to the President of the United States. So we can operate intelligently, free of all influence and prejudice, as we consider the amendments.

It is difficult to interpret the action of the House this afternoon. If Dorothy Thompson or Walter Lippmann or General Johnson seek in their respective columns to evaluate the actions of this day, they are going to have some difficulty. Apparently we want economy in the Civil Aeronautics Authority because it has been rejected as an exempted agency, but probably not so much economy in the Retirement Board because it was included in the exceptions. We seem so anxious for economy in the Rural Electrification Administration, but we do want it in the Mediation Board. When you try to put it all together you are going to have a difficult time rationalizing this experience this afternoon, except to

say that we are voting some of our pet peeves and our pet prejudices.

However, one thing has happened. The Committee itself accepted an amendment offered by the gentleman from Indiana [Mr. LUDLOW]. It is written into section 3, on line 4, and provides that no reorganization plan under section 4 shall provide for the establishment of any new executive department. This means that the House is stating that no new Cabinet department shall be created under a reorganization plan. The Committee, under the leadership of Mr. COCHRAN and Mr. WARREN, has accepted that amendment.

Now, why do we not go a little bit further? Why do we not add to that other new executive agencies, which includes bureaus and commissions? The phrase "executive department" does not embrace a commission; it does not embrace a bureau. Why not write it in? That is what this amendment provides for. If you are going to be consistent in the interest of efficiency and economy, why not add the rest of the language so far as emergency agencies are concerned?

Under this bill you can consolidate an emergency agency with a permanent agency and very possibly translate and continue functions that you otherwise might oppose. Now, if you are interested in efficiency and economy, then support this amendment because it is in line with that purpose. It is what you have been asking for and it is what you have been protesting, and there should not be a vote on this side of the aisle against the pending amendment.

The amendment provides also that the number of agencies under any reorganization plan shall not be increased above the number that exists on the date this act goes into effect. The President could very well, conceivably, make two out of one—I do not say he will do it or that he will not do it, but I do say if you do not want the number increased, then let us state in the bill that the number shall not be increased above the number that exists at the present time.

Finally, if you want to be preciously careful that temporary and emergency functions are not extended by consolidation with some permanent bureau, commission, or agency, then you ought to vote for this amendment because it contains a provision against that possibility.

Now, Mr. Chairman, let us be fair about it. The President does not know what is in this bill. He has had no contact with it. It has not been referred to any executive agency. We are operating as independent legislators this afternoon. If you want efficiency, if you want economy, if you do not want new agencies created, then vote for this amendment. You have already stated and the committee has stated that no reorganization plan shall provide for the creation of a new executive department. This is the language of the Ludlow amendment that was adopted this afternoon. In all harmony and consistency let us go a little bit further and adopt this amendment, because it is language that was taken from the proposal made by the Senator from Virginia. [Applause.]

[Here the gavel fell.]

Mr. WARREN. Mr. Chairman, I rise in opposition to the amendment.

In the first place, the amendment has no place at the point in the bill where it was offered by the gentleman from Illinois [Mr. DIRKSEN]. The gentleman has picked this up from a colloquy between the gentleman from Virginia [Mr. ROBERTSON] and myself yesterday afternoon. Early this morning, several hours before the House was in session, an amendment to clarify what I stated to the gentleman from Virginia [Mr. ROBERTSON] was very carefully prepared. I hold it in my hand and it is to be offered by the gentleman from Virginia [Mr. SMITH] as a new section. The gentleman from Illinois has gone much further than we have gone here. He provides, if I catch it right, that the President cannot even set up a new bureau or a new board. Such a restriction would absolutely defeat any form of reorganization.

We provided originally, and clarified the provision today, by the amendment of the gentleman from Indiana [Mr. LUDLOW] that he cannot create a new department of the

Government. No such power or authority as that has ever been even contemplated.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield? Mr. WARREN. I yield.

Mr. DIRKSEN. I am fearful the gentleman has not carefully read the language so far as the creation of a new agency is concerned. The language is "for the creation or establishment of any new executive agency to exercise any functions which are not expressly authorized by law in force on the date of the enactment of this act." It does not stop the President from creating any new agencies.

Mr. WARREN. I assure the gentleman that the amendment which I now hold in my hand, which will be offered by the gentleman from Virginia [Mr. SMITH] provides for that; but, as I understood from the gentleman's speech, he goes much further than that, and I would suggest to the gentleman, if he is interested, he should withdraw his amendment now and incorporate it as a new section in the bill, although I will not support the amendment offered by the gentleman because it goes too far. However, the amendment I have referred to has been very carefully worked out and is in line with what was stated to the House and upon which we gave assurances yesterday.

Mr. DIRKSEN. Mr. Chairman, I do not feel impelled to withdraw the amendment because the provision that is to be offered later contains only one provision of the amendment that is now pending at the desk.

Mr. WARREN. I ask that the amendment be rejected on the grounds it would defeat the purposes of reorganization. [Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

The question was taken; and on a division, (demanded by Mr. DIRKSEN) there were—ayes 101, noes 157.

So the amendment was rejected.

Mr. NICHOLS. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: Page 3, line 9, as amended, strike out "Civil Service Commission."

Mr. NICHOLS. Mr. Chairman, I am deeply interested in the reorganization of the governmental departments and agencies. I hope that that reorganization will be carried on by the Chief Executive for the purpose of promoting efficiency in government and economy in government. I think that most of the Members of this House will agree with me that probably the biggest octopus on government today is the so-called merit system designated as civil service. I want to see in the Government of the United States a merit system and I would like to see a system inaugurated which would permit Government employees to hold their jobs only so long as they hew to a constant line of efficiency.

I would like to see a law on the books which would compel the discharge of Government employees when they go a certain distance below a constant line of efficiency, but I would like to see that law provide that promotion and advancement in salary could only be given when they have gone a certain distance above a constant line of efficiency; and to my amazement I find exempted under this bill the Civil Service Commission. I am not interested in the Commission nor any of the members of the Commission. I know none of them and have no brief for or against them, but I am interested in the system; and gentlemen know, if they have made any study of the proposition, that a cloak of protection called civil service is covering more inefficiency in this Government than anything in existence in Government today; and if we are going into reorganization—and I am for it—then let us not hide and cover up and protect from reorganization the one department of Government that needs reorganization worse than any other department in the Government. I would like to see the Chief Executive send to this Congress recommendations that would put into force and effect a real merit system. I would like to see it fixed so that you could not have blanketed into the civil service the cousin of a friend of the administrator of some department. [Applause.] I would

like to see a law written that would be so just in its operation that a recommendation from a Congressman would not guarantee an applicant for civil service that he could get a job under civil service. I would like to see an honest merit system put into operation, and the only chance to do that is to adopt this amendment, which will take the Civil Service Commission from among the exemptions in this bill—and I do not have much fear but that this amendment will be adopted by this House.

Mr. WARREN. Mr. Chairman, I rise in opposition to the amendment. I think I know the feeling on this side of the House in reference to this amendment, but I am particularly interested in knowing how our friends on the minority side will vote on this particular amendment. It will be interesting to observe it. As we know, in the omnibus bill that was defeated last year, one of the titles contained provisions for reorganization of the Civil Service Commission. Many able Members of this House, and especially on the Democratic side, as well as the entire Republican minority, stated that they were bitterly opposed to that title of the bill. This is one of the things where we have to try to meet on a common ground, as I said before, to evaluate, if you please, just what were some of the objections dealing with this entire problem of reorganization. Therefore, we have decided, so far as the Committee on Government Reorganization is concerned, to abandon that phase of the problem. We have a standing committee here in the House, headed by the able gentleman from Georgia [Mr. RAMSPECK], and if there is any reorganization or legislation along civil-service lines, we feel that it should not come from the Reorganization Committee, but from our own efficient House committee, and I therefore ask that the amendment be rejected.

Mr. RAMSPECK. Mr. Chairman, I move to strike out the last word. The speech of my friend from Oklahoma [Mr. NICHOLS] comes as somewhat of a surprise to me. The gentleman from Oklahoma [Mr. NICHOLS] stood on this floor during the last session of Congress and proclaimed to the world that he was in favor of the spoils system and opposed to the merit system, and that occurred when we had under consideration the bill placing postmasters under civil service. Therefore, it is hard for me to understand his conversion here this afternoon as expressed on the floor. However, I am happy to welcome my distinguished and able friend from Oklahoma into the ranks of those who profess to believe in a real merit system, and I hope that he will join me later in this session when I bring in legislation to provide a real merit system for the entire Government service.

So I welcome the gentleman into the ranks of those who believe in the merit system.

May I say frankly that I am not satisfied with the present civil-service system. There are many improvements I would like to see made in it, but when you have had your back to the wall, fighting for existence, it is hard to make improvements. The President of the United States last June issued an Executive order to improve the merit system. It went into effect on the 1st day of February 1939, and if this Congress gives the Commission the funds to carry it out we will have a real personnel system, a real personnel officer in every department of this Government, and I think you will see many improvements in the operation of the merit system.

Mr. NICHOLS. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. NICHOLS. Does my memory serve me correctly that my distinguished friend from Georgia was on the floor last year when the reorganization bill was being considered, making an able argument in support of keeping in the bill the provision which would give the Chief Executive the right to reorganize the Civil Service?

Mr. RAMSPECK. Oh, the gentleman well knows I voted against the reorganization bill last year because it contained a provision permitting the abolishment of the bipartisan Civil Service Commission and the substitution of a single

administrator, who it was admitted, could be discharged by any President at any time. [Applause.]

I never expect to support any such legislation. That is why I am opposed to the gentleman's amendment, because I want to retain the bipartisan characteristics of the Civil Service Commission. I hope the Members of this House will not vote for the gentleman's amendment. I say to you on absolute authority that the American Federation of Labor asked its friends in this House last year to oppose the reorganization bill because of that very fact, that they wanted to retain the bipartisan Civil Service Commission. I do not believe you can have nonpartisan administration of any agency of this Government. I think the nearest we can get to it is bipartisan. I think the minority must have representation in the operation of any merit system if we are to keep public faith in that system. For that reason I hope the amendment offered by the gentleman will be defeated, so that we can go along in an orderly way, through the regular legislative committee, in our efforts to improve the merit system. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. NICHOLS].

The amendment was rejected.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: On page 3, line 10, strike out the words "Coast Guard."

Mr. SCHAFER of Wisconsin. Mr. Chairman, I call upon the "daddy" of this bill, the distinguished new dealer from Missouri [Mr. COCHRAN] to support this amendment and practice what he has preached on the floor of the House while opposing and supporting other amendments considered this afternoon.

Is there any valid reason why the Coast Guard, which is not a quasi-judicial branch of the Government, should be exempted? I served with the gentleman from Missouri [Mr. COCHRAN] on the Committee on Expenditures in the Executive Departments prior to 1932, when I was swept out of Congress by the New Deal tidal wave.

He knows that at that time there were presented to the Committee on Expenditures positive facts indicating that great savings could be made by consolidating certain activities of the Coast Guard with certain activities of the Immigration Bureau, certain activities of the Customs Bureau, and certain activities with reference to the enforcement of prohibition. Why does not the gentleman from Missouri support this amendment and allow the President to consider savings which might be made if Coast Guard activities are consolidated with other activities of government? If the President can effect some savings for the taxpayers' Treasury by consolidating the Customs Service with other Government activities, he should not be prevented from doing so. Why is the Coast Guard, a non-quasi-judicial body, exempted under the present bill? Is it exempted so you can hold a number of votes in line for this bill, or is it because you do not trust your own New Deal President?

If those in charge of this bill mean what they have said that they are in favor of having their President effect savings, I ask you to show that you meant what you said. If you are not going to accept this amendment I ask you gentlemen in charge of this bill to present some valid facts or reasons why you cannot trust your President to do the right thing for the Coast Guard. I know you do not like to hear the facts. You are going to hear a great many facts from now on that you do not like to hear. I intend to stand in the well of the House, under my oath of office and under my constitutional right and the rules of the House, and tell you the facts as I see them. [Applause.]

[Here the gavel fell.]

Mr. WARREN. Mr. Chairman, I think I can answer the gentleman in just two sentences. In the first place, the Coast Guard has already been reorganized, and under the

statute law immediately upon a declaration of war, without any action on the part of the Congress, the President, or anyone else, it automatically goes under the Navy. In times of peace it is under the Treasury Department, enforcing customs regulations and acting as messengers of mercy throughout this land.

I therefore ask that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

Mr. HOFFMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN: Page 3, line 14, strike out "National Labor Relations Board."

Mr. HOFFMAN. Mr. Chairman, all that the gentleman from Pennsylvania [Mr. ALLEN] said about the Coal Commission can be said with equal truth about the N. L. R. B. The American Federation of Labor undoubtedly had much to do with the writing of the N. L. R. A. It had apparently nothing, or little, to do with the selection of the Board members. Since those members have been acting and the Board has been handing down decisions, the A. F. of L. has charged, and has supported its charges by evidence that cannot be disputed, that the Board in many cases has been biased and unfair in its decisions. The A. F. of L. in effect has charged, not once but many times, that the Board has acted as the organizing agent of a rival union.

There can be little question in the mind of anyone present but that the N. L. R. A. will sooner or later be amended. The whole difficulty cannot be charged to the terms of that law. Part of the trouble, much of the trouble, comes from the interpretation and the administration of the law. We know now that the President has asked the representatives of the two great rival labor unions to meet down here, and they did meet yesterday at the White House in order to adjust their differences if possible. We have had industrial strife between employer and the employee for the past 2 years that has caused the major portion of our unemployment and of our national loss. We are now having strife between the two great rival labor organizations. The parties to the battle, to a large extent, have shifted, and the trouble now is mainly between the rival labor organizations, not between employer and employee. So long as the President has asked the representatives of these two unions to meet together and to adjust their differences, why should we not place in his hands now the opportunity and the responsibility of calling in at the same time the members of the Board, the gentlemen who were appointed by him, for whose actions he is responsible, who have been interpreting, who have been enforcing this act, and let him have before him or before the Secretary of Labor all three of the parties who through consultation and a presentation of their ideas do much to arrive at a common ground of understanding, and bring nearer the end of this controversy and see if we cannot arrive at some peaceful solution of the present trouble, which must end soon if we are to have renewed business activity.

Some may say over there on the Democratic side that I do not like to place in the hands of the President the necessary authority, and that is the great argument that we have made against many of the provisions of this bill. My reason for giving to him the authority to act in this particular case is because he has the representatives of these two great organizations before him. He appointed and is responsible for these three men who are administering this law; and the Board's activities have in the judgment not only of the employers but of many employees and of the American Federation of Labor been so biased, so unfair, so un-American that it cannot be any worse; and this action may do some good. It will give the President the opportunity to exercise his great power to bring about peace here at home, where the two warring factions have made a battleground on industry's field. [Applause.]

[Here the gavel fell.]

Mr. ANDERSON of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, very few times have I ever come into the Well of the House and asked the support of any Member of this House for any bill or any amendment. Time after time I have supported amendments; and I defy any Member of this House to show where at any time I have ever voted against a legitimate labor bill of any kind in this House. My father was a laboring man. For years he held a card in a legitimate labor union. After graduation from law school in 1924 I represented a majority of the labor unions in the city of St. Louis. When I was elected prosecuting attorney in 1932 I had the whole-hearted support of union labor. In 1934 I again had the whole-hearted support of union labor for reelection. When I came to Congress in 1936 I had their support again; and last year I had the support of the American Federation of Labor.

I know anything I may say will not get one vote on the Republican side of the House. What few votes we get on this side will be gotten because the Members on the Democratic side know I am right in this contention. Gentlemen, if there is one branch of the service that should be reorganized, it is the National Labor Relations Board. It has done more to cause labor unrest than anything else in this country. [Applause.]

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Missouri. For one question; yes.

Mr. COX. Does the gentleman not think it would be well to leave this agency in the position where the bill places it and let Congress later, by direct treatment of the problem, deal with this outfit as its scandalous performances demand? Let me say to the gentleman that I am in complete sympathy with him in his effort to straighten up or else to wipe out this agency which has so disgraced the Government in bringing it into existence because of its manner of performing under the law. [Applause.]

Mr. ANDERSON of Missouri. I thank the gentleman for the suggestion, but I think this matter should be corrected now by reorganization; if there is one branch that should be reorganized it is the National Labor Relations Board. I do not care about big business. The little-business man in my district, who has 10 or 15 employees, are the ones that have suffered from the misconduct of this agency. It is up to us to give him a helping hand in his struggle. But, if the Civil Aeronautics Authority is not exempted under this bill; and if the T. V. A. is not exempted under this bill, then the National Labor Relations Board should not be exempted; it is the same sort of an agency.

Mr. Chairman, we should support this amendment and let the little-business man back home know that we are with him, and that this body intends to straighten out the labor trouble in this country, and start us out again on the road to prosperity. Thank you. [Applause.]

Mr. WARREN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the question whether we approve the actions of the National Labor Relations Board or the statute that set up this Board certainly is not involved in the pending question in any way.

Mr. ANDERSON of Missouri. Will the gentleman yield?

Mr. WARREN. I yield to the gentleman from Missouri.

Mr. ANDERSON of Missouri. If the Civil Aeronautics Authority should be reorganized and if the T. V. A. should be reorganized, does not the gentleman believe the Labor Relations Board ought to be reorganized also? What is the difference?

Mr. WARREN. There is a very decided difference. The National Labor Relations Board is a quasi-legislative agency set up by an act of Congress, and for this reason it was placed in the list of exemptions. As I have just stated, we should not be governed by our prejudices or by our likes or dislikes in reference to this Board, because that is entirely beside the question and has nothing to do with it. This particular agency was placed in here because it is a quasi-legislative agency.

Mr. Chairman, I ask that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. HOFFMAN].

The question was taken; and on a division (demanded by Mr. HOFFMAN) there were—yeas 114, noes 140.

So the amendment was rejected.

Mr. HAWKS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. HAWKS: Page 3, lines 17 and 18, strike out "The United States Tariff Commission."

Mr. HAWKS. Mr. Chairman, a great many amendments have been offered to this bill. We have just heard an argument for the reorganization of a certain department of our Government. I am offering my amendment not that we may reorganize one of the bureaus but rather that we might liquidate it.

The United States Tariff Commission is not functioning, has not been functioning, will not function, and cannot function so long as we have favored nations and just so long as we have reciprocal-trade agreements. The statement was made on the floor of the House the other day that in a great many States in 1938 the elections were won by Republicans because of local issues. I would like to call the attention of the House to the fact that in a great many States, including some of those mentioned by the gentleman the other day, reciprocal-trade agreements did more to elevate Republicans to public office than any other factor in the election.

Why am I up here advocating the elimination of the United States Tariff Commission? I am here advocating its elimination to save money. I am perfectly willing to turn this matter over to the President of the United States and let him effect a saving to the American taxpayers of approximately \$1,000,000, if he so desires. In fact, the correct figure is \$907,798.

There are six Commissioners, each of whom receives a salary of \$11,000 a year. The employees of that Commission receive in salaries \$762,371.

The claim is made that this bill is offered to save some money. You maintain it is an economy bill, still the United States Tariff Commission is put under the exempted provisions of the bill.

Mr. Chairman, this Commission is not functioning. It has done more to injure labor, the farmer, and industry of this country by its refusal to act, its refusal to defend labor, agriculture, and industry, than any other one branch of our Government. Every single function of this Commission is in the hands of the State Department today, and the State Department through reciprocal-trade agreements is pushing labor, farming, and industry deeper into despair.

Here is an opportunity to save the taxpayers a million dollars. Why not kick that agency out of this bill and put it in the hands of the President of the United States, and let him say, "Here, you are not functioning; you are not earning your salt; you are not doing the people of this country any good. I am going to get rid of you."

Because this Commission is not functioning, 11,000,000 or more men are today unemployed. Think of that. Our farmers are in worse circumstances today than they have ever been, and this dates back to 1920 when the agricultural depression began.

Talk about favored nations. What has happened to the favored people of the United States? Do we always have to think of other nations? Are the people of those nations more favored than our own kin and our own kind? Are not the twelve, thirteen, or fourteen million unemployed people of this country more a problem of ours than the problems of Canada, Great Britain, and France and should we not consider our own unemployed ahead of the people of foreign nations?

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin [Mr. HAWKS].

Mr. Chairman, the question of reciprocal tariffs does not enter into this matter at all. The United States Tariff Commission is a quasi-legislative body just the same as the Inter-

state Commerce Commission. That is the reason it was placed in here.

Mr. Chairman, I hope the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. HAWKS].

The amendment was rejected.

The Clerk read as follows:

SEC. 4. Whenever the President, after investigation, finds that—
(a) the transfer of the whole or any part of any executive agency or the functions thereof to the jurisdiction and control of any other executive agency; or

(b) the consolidation of the functions vested in any executive agency; or

(c) the abolition of the whole or any part of any executive agency or the functions thereof, is necessary to accomplish one or more of the purposes of section 1 (a), he shall—

(d) prepare a reorganization plan for the making of the transfers, consolidations, and abolitions, as to which he has made findings and which he includes in the plan. Such plan shall also—

(1) designate, in such cases as he deems necessary the name of any executive agency affected by a reorganization and the title of its head;

(2) make provision for the transfer or other disposition of the records, property (including office equipment), and personnel affected by such transfer, consolidation, or abolition;

(3) make provision for the transfer of such unexpended balances of appropriations available for use in connection with the function or agency transferred or consolidated, as he deems necessary by reason of the transfer or consolidation for use in connection with the transferred or consolidated functions, or for the use of the agency to which the transfer is made, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation is originally made;

(4) make provision for winding up the affairs of the executive agency abolished or the affairs of the executive agency with respect to the functions abolished, as the case may be; and

(e) transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each transfer, consolidation, or abolition referred to in paragraph (a), (b), or (c) of this section and specified in the plan, he has found that such transfer, consolidation, or abolition is necessary to accomplish one or more of the purposes of section 1 (a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session.

The President, in his message transmitting a reorganization plan, is requested to state (in such cases and to such extent as he deems advisable) the reduction of expenditures which it is probable will be brought about by the taking effect of the reorganizations specified in the plan.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 5, line 20, strike out the period and insert a comma and the following: "and shall submit a detailed report showing the increase or decrease of expenditures that will result from such plan."

Mr. TABER. Mr. Chairman, this amendment is offered so that when the President submits a reorganization plan he shall tell the Congress what saving he figures will be made as the result of the proposed reorganization. There is nothing in the bill as it is submitted by the committee that requires such a report. This is the only way the Congress has of finding out the facts and having anything to go by when it considers the reorganization. I hope the majority members of the Committee will see fit to cast aside partisanship for once in the consideration of this bill, and consider this amendment on its merits. It is to my mind very important that this information be given to the Congress when a plan is submitted.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. CRAWFORD. The proposal which the gentleman submits is entirely in keeping with the practice followed by large corporations when a production manager or any other department head recommends to the policy-forming board or committee that changes be made in the general set-up of machinery or otherwise.

Mr. TABER. It is exactly the same.

Mr. CRAWFORD. As I understand the gentleman's proposal, the Congress has nothing to act upon insofar as economy is concerned unless this information is submitted with the plan.

Mr. TABER. The gentleman is correct.

Mr. Chairman, I hope the amendment will be accepted.

Mr. WARREN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this certainly is a late hour for the gentleman from New York or anyone else on the other side of the aisle to raise the question of partisanship, when we have seen that side of the House voting practically as a body over the whole afternoon.

We are opposed to the amendment offered by the gentleman from New York because he seeks to require the President to submit a detailed report showing the increase or decrease in expenditures that will result from the plan. If we want to be reasonable about it, we know that such a detailed report as the amendment calls for is almost impossible to procure. It is my purpose as soon as this amendment is disposed of to offer a committee amendment to that same section striking out the lines in the brackets in lines 17 and 18 on page 5 and making it mandatory upon the President to state the reduction of expenditures which it is probable to make. For that reason I ask that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. WARREN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. WARREN: On page 5, lines 17 and 18, strike out "is requested to state (in such cases and to such extent as he deems advisable)" and insert in lieu thereof the words "shall state."

The amendment was agreed to.

The Clerk read as follows:

Sec. 5. The reorganizations specified in the plan shall take effect in accordance with the plan:

(a) Upon the expiration of 60 calendar days after the date on which the plan is transmitted to the Congress, but only if during such 60-day period there has not been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the reorganization plan.

(b) If the Congress adjourns sine die before the expiration of the 60-day period, a new 60-day period shall begin on the opening day of the next succeeding regular or special session. A similar rule shall be applicable in the case of subsequent adjournments sine die before the expiration of 60 days.

Mr. WARREN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Amendment offered by Mr. SUMNERS of Texas: On page 6, line 1, after the word "the", strike out the words "two Houses a concurrent" and insert in lieu thereof the words "Senate or the House of Representatives a", and in line 2 of said page, after the word "that", strike out the words "the Congress" and insert in lieu thereof the word "it," so that subsection (a) of section 5 which it is proposed hereby to amend will read as follows:

"Upon the expiration of 60 calendar days after the date on which the plan is transmitted to the Congress, but only if during such 60-day period there has not been passed by the Senate or the House of Representatives a resolution stating in substance that it does not favor the reorganization plan."

Mr. SUMNERS of Texas. Mr. Chairman, in view of the fact that some constitutional question is involved, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SUMNERS of Texas. Mr. Chairman, I very much hesitate to interpose a proposed amendment to a carefully considered bill that comes from another committee, but I believe this amendment ought to be incorporated in this bill.

Let us consider our ordinary method of procedure in determining policy. The President, for instance, if he is disposed to, sends down a message suggesting legislation. This reorganization would be akin to that. It requires the two Houses to express the will and judgment of the Congress. If either House fails to agree it is not an expression of the will or judgment of Congress. This proposed amendment holds the procedure with regard to these suggested reorganizations by the President in harmony with the general plan of procedure as between the President and the two Houses of Congress.

There is another angle I should like to submit to the consideration of the Committee, for whom I have the highest respect. It is my judgment, and I submit it to your consideration, that when we have a situation where there is sufficient opposition in one of the two Houses of Congress to a proposed reorganization to cause that House to initiate a resolution and support that resolution by an affirmative declaration of opposition, it is not wise in that situation to force that sort of a reorganization.

Let me state it another way: For a reorganization to be forced through which is against the judgment of one of the two Houses gives rise to an element of friction and discord between the Executive and that House that it is not worth the price paid for it.

In view of the fact I understand there is some notion of constitutional difficulties about having one House opposed to a proposed plan of reorganization to prevent its consolidation, I venture the opinion, and I have no uncertainty about it, that we may provide just as well for a resolution by one House to prevent a reorganization, from a constitutional standpoint, as we can by a resolution by both Houses. The two Houses do not constitute the Congress insofar as their power to legislate is concerned.

I am grateful to the Committee for giving me more time upon the amendments. I believe I have stated the main things that may not have occurred to those of you who have considered the matter, and I should like to yield to interrogation from Members of the Committee. I know you will credit me at least with the purpose of trying to be helpful.

Mr. WARREN. Mr. Chairman, will the gentleman from Texas yield?

Mr. SUMNERS of Texas. I yield to the gentleman.

Mr. WARREN. I understood the gentleman to say that the two Houses do not constitute the legislative power. I wish the gentleman would elaborate on that.

Mr. SUMNERS of Texas. All right; it requires explanation.

A concurrent resolution by the two Houses of Congress which proceeds no further than that does not make a law. We know that. The two Houses of Congress are required under the Constitution to submit that thing which they agree to to the President to take the judgment of the President with reference to it. Now, you do not contemplate with regard to this particular resolution that it shall go further than the resolution agreed to by the two Houses of Congress, which my colleagues will agree does not constitute a law.

That is what I am trying to say. It is not a law, it is simply an expression of the attitude of the two Houses of Congress, and if it is effective at all it is effective because you so provide in this bill and not because of any constitutional grounds.

May I now make this observation? I am not certain, because I have not examined it, but if I may assume that you gentlemen who have drawn this bill are certain that a concurrent resolution, as you have provided, may be incorporated in the bill and that the concurrent resolution will prevent the going into effect of a reorganization, I have no hesitancy in giving assurance—and it is without proper consideration—but I have no hesitancy in giving assurance you may do the same thing with a resolution of opposition by a single House.

Mr. GAVAGAN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. GAVAGAN. Do I understand the gentleman correctly to say that in his opinion the exercise of the power of a President to ratify or to veto the act of Congress is the performance of a legislative function by the President?

Mr. SUMNERS of Texas. I would like not to go into the question of the power of the veto. It is a part of the arrangement provided for in our Constitution for the enactment of legislation, and will the gentleman please excuse me and not draw me into a detailed discussion of that matter.

Mr. GAVAGAN. I will excuse the gentleman, but I understood the gentleman's main argument to be that the President was exercising a legislative function.

Mr. SUMNERS of Texas. No.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield to me for a question?

Mr. SUMNERS of Texas. I yield to my distinguished friend, the Speaker.

Mr. BANKHEAD. Do I understand that the gentleman's amendment is based upon his conception that it is not a wise thing, from a standpoint of policy, that this bill be passed as it is or is it based upon constitutional objections?

Mr. SUMNERS of Texas. It is not based upon constitutional objections. I may say very candidly to my friend that you can just as well provide, insofar as the Constitution is concerned, for the holding up of a reorganization by concurrent resolution as you can by opposition of a single House, and, vice versa, you can provide just as well by opposition of a single House as by concurrent resolution.

Mr. BANKHEAD. So the gentleman's conclusion is based upon one of policy rather than law?

Mr. SUMNERS of Texas. That is true, but I would like to qualify that a little. Our plan of legislation is to take the agreed judgment of the two Houses, plus the agreement of the President, speaking generally, before a thing becomes operative as a law. That is our policy of legislation, and the language I suggest is in harmony with that policy.

Mr. MURDOCK of Arizona. Since the gentleman proposes this amendment as a matter of policy, the gentleman wishes to get away from the provision in the present bill which might permit one House by refusing to take action to thus permit the President's proposal to become a law.

Mr. SUMNERS of Texas. In a way I think that is true. Under our plan of operating our Government, it takes the agreement of the two Houses of Congress to express the judgment of the policy-fixing agency of the Government, which is the Houses of Congress. Now, the thing I suggest merely carries that general policy of government, which we recognize everywhere, into this arrangement.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MAY. Does the gentleman think there is any constitutional question involved in the course pursued here by reason of the fact that we pass a resolution or a bill, if you wish to call it that, which makes it possible for one branch of the Congress by failure to act, to prevent the other branch from having a say in a matter that becomes effective affecting what would otherwise be legislation?

Mr. SUMNERS of Texas. I wonder if my friend will permit me to answer his question in this way? The amendment which I propose raises no new constitutional question.

[Here the gavel fell.]

Mr. WARREN. Mr. Chairman, if a question of law or of constitutionality were involved, I would rise with great temerity to debate with the distinguished gentleman from Texas [Mr. SUMNERS], chairman of the Committee on the Judiciary, but under the questioning of the Speaker of the House, who has just participated in this debate, he admits that there is no question of constitutionality, but that it is one solely of policy. The reason why a simple resolution is much weaker constitutionally is that if the two parts of the legislative branch of the Government are in agreement, then there is no violation of the doctrine of separation of power. A simple resolution represents the judgment of only one House, and not the two Houses of Congress. The legislative power of Congress is not exercisable by a simple resolution. It is exercisable only by a resolution to which both Houses agree. To the extent that there is any question about the validity of such a provision, it is in the opinion of the Attorney General Mitchell under Mr. Hoover's administration.

Now, as to policy. This provision such as now proposed by the gentleman from Texas [Mr. SUMNERS] was incorporated in the almost unlimited grant of power that we gave former President Hoover. As has been previously stated, Mr. Hoover's own Attorney General, Mr. Mitchell, in an exhaustive opinion, said that a resolution of either house which would tend to stop an Executive order by the President—and while that was called an order, we call this a plan—was clearly invalid on its face.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. WARREN. Yes.

Mr. SUMNERS of Texas. Did Attorney General Mitchell indicate that if that had been a concurrent resolution the question would have been at all different from the one presented?

Mr. WARREN. It is not my recollection that he did.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. WARREN. Yes.

Mr. COX. Yes; the Attorney General in that opinion held that nothing short of legislation would suffice to set aside an Executive order.

Mr. SUMNERS of Texas. A concurrent resolution is not legislation.

Mr. COX. That is very true, and the Attorney General held in that opinion that a concurrent resolution would not be sufficient to vitiate an Executive order.

Mr. SUMNERS of Texas. That is all right.

Mr. WARREN. Mr. Chairman, confronted with the opinion of the Attorney General while President Hoover was still in office, because this opinion was rendered January 24, 1933, I think the Congress, both Houses, if you please—and I am coming now to the question of policy that the gentleman has brought up—unanimously amended the act in two important respects. We struck out of it the objections raised by the Attorney General, to wit, a resolution by either House, and then we struck out the unlimited time feature, and limited it to a 2-year period. All of us at that time recognized—and it is the first time I have heard it said since that it was not—that the opinion of the Attorney General was sound, and we therefore made the change in the Hoover act. There is a rule in part 2 of the bill which provides for the consideration of the plan submitted by the President. The distinguished gentleman from Texas asks if it would not be a good thing if the country were aroused over some particular plan that might be sent down here and if one House was overwhelmingly opposed to it, to stop it there. Why, if that should happen in the House, if such an order should be disapproved according to the rules that we have laid down in part 2, that resolution would immediately go to the other body, and there any one Member of the Senate, any one of the entire 96, who might be opposed to that plan or anything in that plan, could simply rise and offer the resolution coming from the House or one of his own as a privileged matter, and there get a vote on it after 10 hours of debate.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. COX. Mr. Chairman, I move to strike out the last word. I must defend the concurrent resolution provision of the bill. That provision, in my opinion, is unquestionably valid. Some misunderstanding as to the application of the Mitchell opinion to the question before us grows out of the fact that there is a difference between the bill before the Congress in 1932 and the bill that is now before us. In the legislation of 1932 legislative power was being delegated to the President to provide for reorganization by Executive order. Attorney General Mitchell rendered an opinion that an Executive order made under the grant of legislative power could not be vacated or set aside by any congressional action short of legislation. It is perfectly apparent to the membership of the House that this bill was drawn with the view of naming the President as the ministerial agent of the House rather than vesting in him legislative power, and therefore the provision contained in this bill whereby Congress may vacate any action taken by the President by concurrent resolution is perfectly valid, because it is a condition subsequent and is a part of the law itself.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. WARREN. Yes.

Mr. SUMNERS of Texas. I ask my distinguished colleague if there is any difference between the constitutional status of a concurrent resolution and a resolution by one House.

Mr. COX. Let me say to my friend that because of the great concern of my colleagues on the Reorganization Committee, the gentleman from Missouri [Mr. COCHRAN] and the gentleman from North Carolina [Mr. WARREN], I experience great embarrassment in answering the gentleman's question, and yet I must not take the attitude of trying to conceal any honest opinion that I may entertain with respect to the proposition. I say to the gentleman, in answer to his question, that there is no difference whatsoever; that if it is within the competency of Congress to provide for vacating a plan that might be submitted under the bill by the President, by a concurrent resolution, it is of course equally within the right of Congress to provide that the order might be vacated by a simple resolution of either body.

[Here the gavel fell.]

Mr. RAYBURN. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I am opposed to the amendment offered by my distinguished colleague from Texas [Mr. SUMNERS] because I am sincerely in favor of reorganizing the departments of the Government. In making that statement I do not intend to imply that my colleague is not also in favor of reorganization. I simply think that if this amendment is adopted there is strong probability that in the future no reorganization may come about. We have heard expressions in this House in the last 2 days that would indicate a probability that if in the future either House of the Congress was not in accord with the political views of the occupant of the White House, who had brought forward a plan of consolidation, that that House, be it this one or the Senate, would in all probability veto any reorganization bill presented by a President that they did not like politically or that they did not like personally.

I think it would be very safe for the membership of this House to follow the considered judgment of this committee, which has labored so long. [Laughter.] Well, the committee has been organized for more than 2 years and has given great consideration to this matter. I do not mind that sort of disorder, Mr. Chairman. I sometimes expect it. But I think it would be wise for us who really want reorganization—and I think the vast majority of the Members of this House do feel the necessity of some kind of reorganization—if we followed the considered judgment of this committee and made it so that before a plan of reorganization could be vetoed that it require the action of both bodies constituting the Congress of the United States. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. SUMNERS].

Mr. RANKIN. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Texas [Mr. SUMNERS].

There was no objection.

The Clerk again reported the amendment offered by Mr. SUMNERS of Texas.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. SUMNERS of Texas) there were ayes 153 and noes 133.

Mr. WARREN. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. SUMNERS of Texas and Mr. WARREN to act as tellers.

The Committee again divided; and the tellers reported that there were—ayes 176, noes 155.

So the amendment was agreed to.

Mr. KLEBERG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KLEBERG: Page 5, line 21, to page 6, line 9, strike out all of section 5 and insert in lieu thereof:

"Sec. 5. The reorganization specified in the plan shall not become effective until after the enactment of a joint resolution specifically approving such plan. Any such joint resolution shall provide for the approval of such plan as a whole, without modifications, and shall contain no other provisions. If any such joint resolution providing for the approval of any such plan is

introduced in either House, it shall at once become the special order therein and that House shall proceed to its consideration, without reference to a committee; and, not later than 1 hour after that House meets on the twentieth calendar day (Sundays excepted) after the day on which such joint resolution was introduced, a vote shall be taken in that House on the question of the passage of a joint resolution approving such plan. If any such joint resolution is passed by one House, it shall be sent to the other House, and that House shall immediately proceed to its consideration, without reference to a committee. Not later than 1 hour after that House meets on the twentieth calendar day (Sundays excepted) after it has received such joint resolution, a final vote shall be taken in that House on the question of the passage of such joint resolution. No notice or motion to reconsider the vote shall be in order."

Mr. KLEBERG. Mr. Chairman, the hour is late and I know the patience of the membership of this Committee is at a low ebb. It will not be necessary for me to make any lengthy statement in explanation of the simple amendment which has just been read by the Clerk. It is the Wheeler amendment, an amendment offered in another body during the consideration of the reorganization bill offered in the last session of Congress.

I am deeply sorry that it is necessary for me to take the time of the House on this occasion to belabor you with still further consideration of matters in the bill under consideration which many of you know should be changed, but I must offer this amendment in order to keep a promise repeatedly made in public utterances in my district. That promise was that not by my voice or my vote would a single proposition be advanced to curtail the voice of those whom I represent, or of the people of the United States in the halls of state. [Applause.]

I feel a deep and abiding friendship for every member of the hard-worked Special Committee on Reorganization of the Executive Branch of the Government, because it is well known to every member that this committee has worked hard to satisfy the membership of this House by presenting a bill on which the Members could agree and reach an accord for the reorganization of the executive branch of the Government; and it is with that exact purpose in mind that I take the floor here this evening and urge you to go back to the simple, well-known, time-honored form of the functioning of representative democracy in order to accomplish that end.

Mr. Chairman, I can see no earthly reason for all of the devious methods of approach to the question of asking the President to reorganize the executive branch of the Government that have been discussed in connection with this bill and which have been presented to us, asking the Congress of the United States to accept a position where by negative action only can they express the wish of the people or the voice of those whom they represent. There has never been in my meager observation and knowledge any like proposition.

Mr. Chairman, it will be said when my 5 minutes are over, that the proposition I have to make will destroy this bill and we had just as well not attempt to reorganize the executive branch of the Government. I am not willing, Mr. Chairman, on this or any other occasion, to stand before the country and acknowledge the incompetence of the legislative branch of this Government to perform its constitutional functions. [Applause.]

Mr. Chairman, it is patent to even a high-school student that under this bill, under the amendment as offered by myself, when a proposal comes from the Chief Executive acting as the agent, if you please, of the Congress being requested to reorganize the executive branch of the Government, that proposal can just as well be acted upon by vote of the House in an affirmative fashion as it can by a vote in a negative manner as suggested in this bill. [Applause.] I cannot therefore accede to an argument that would claim that it is not possible to reorganize the Government by the method I propose, or that this amendment would destroy any effective effort to that end. I hope the membership of this House will adopt this amendment.

[Here the gavel fell.]

Mr. HOOK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOOK. If this amendment be adopted would it supersede the amendment offered by the gentleman from Texas [Mr. SUMMERS] that the House just adopted?

The CHAIRMAN (Mr. McCORMACK). In reply to the parliamentary inquiry, it is the opinion of the Chair if the pending amendment is agreed to it will supersede the amendment recently adopted by the Committee of the Whole.

Mr. WARREN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. KLEBERG].

Mr. Chairman, we have now approached the very heart and essence of the entire bill. The gentleman from Texas proposes to do nothing whatsoever than stand up here and reiterate the present law of the land. He does not propose to write into this legislation one single, solitary thing that is not already guaranteed to the President of the United States under the Constitution. He comes up with a dagger and tries to strike this whole proposition down. I would not be fair with the House, I would not be fair to myself and to the committee if I did not tell you that if the amendment is agreed to then we shall move to table the bill, and let it be said that the death blow came from the majority side of the House. [Applause.]

Anyone who wants to see reorganization in the Government cannot support this amendment. Anyone who wants to see reorganization, and who has seen the many futile and fruitless attempts at reorganization over a period of years, knows if such a proposition as this is adopted, then we would go right back to 2 years ago, when we first started. All day long, since the opening of this debate, we have seen a partisan question raised here. All through today, on all of these amendments, with just one or two exceptions, we have seen the mass voting on this side of the House that the gentleman from Pennsylvania [Mr. DITTER] likes so much to boast about.

I want to talk to my fellow Democrats. I want to recall to you a story.

Have you forgotten the story of Lorna Doone—how the Doones, men of high family, who had fallen under the displeasure of the government, had betaken themselves to the Doone Valley, surrounded on all sides by precipitous mountains, and from this strongly fortified position levied their blackmail upon the surrounding country, killing and robbing and outraging the people of the land until the citizens were aroused and determined to extirpate them? Do you recall how the men of the eastern county gathered together on the eastern mountain, and the men from the western county on the western mountain, with their arms and cannon ready to fall upon the Doones and destroy them, when by some untoward accident a cannon from the western ranks was trained across the valley into the ranks of the men of the east, and while these foolish people were slaughtering one another, the Doones sallied forth and put both counties to flight and continued to rob and kill and outrage for years to come.

Let us heed the lesson, my fellow Democrats. Let me say to the gentleman from Texas and those on this side who might follow him: The Doones are in the valley. I pray you gentlemen, train your guns a little lower. [Applause.] [Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. KLEBERG].

The question was taken; and on a division (demanded by Mr. KLEBERG) there were—yeas 139, noes 176.

So the amendment was rejected.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: Page 6, after line 9, insert a new section to read as follows:

"Sec. 6. No reorganization under this title shall have the effect—
"(a) of continuing any executive agency or function beyond the time when it would have terminated if the reorganization had not been made; or

"(b) of continuing any function beyond the time when the executive agency in which vested before the reorganization would have terminated if the reorganization had not been made."

Mr. COCHRAN. Mr. Chairman, will the gentleman yield? Mr. SMITH of Virginia. I yield to the gentleman from Missouri.

Mr. COCHRAN. Mr. Chairman, the committee accepts the amendment just offered by the gentleman from Virginia [Mr. SMITH].

The amendment was agreed to.

The Clerk read as follows:

Sec. 6. For the purposes of this title any transfer, consolidation, abolition, designation, disposition, or winding up of affairs, referred to in section 4 (d), shall be deemed a "reorganization."

Sec. 7. (a) All orders, rules, regulations, permits, or other privileges made, issued, or granted by or in respect of any executive agency or function transferred to, or consolidated with, any other executive agency or function under the provisions of this title, and in effect at the time of the transfer or consolidation, shall continue in effect to the same extent as if such transfer or consolidation had not occurred, until modified, superseded, or repealed.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any executive agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of any transfer of authority, power, and duties from one officer or executive agency of the Government to another under the provisions of this title, but the court, on motion or supplemental petition filed at any time within 12 months after such transfer takes effect, showing a 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 head of the executive agency or other officer of the United States to whom the authority, powers, and duties are transferred.

(c) All laws relating to any executive agency or function transferred to, or consolidated with, any other executive agency or function under the provisions of this title, shall, insofar as such laws are not inapplicable, remain in full force and effect.

Sec. 8. The appropriations or portions of appropriations unexpended by reason of the operation of this title shall not be used for any purpose, but shall be impounded and returned to the Treasury.

Sec. 9. Whenever the employment of any person is terminated by a reduction of personnel as a result of a reorganization effected under this title, such person shall thereafter be given preference, when qualified, whenever an appointment is made in the executive branch of the Government, but such preference shall not be effective for a period longer than 12 months from the date the employment of such person is so terminated.

Sec. 10. If the reorganizations specified in a reorganization plan take effect, the reorganization plan shall be printed in the Statutes at Large in the same volume as the public laws, and shall be printed in the Federal Register.

Sec. 11. No reorganization specified in a reorganization plan shall take effect unless the plan is transmitted to the Congress before January 21, 1941.

Mr. COCHRAN. Mr. Chairman, I ask unanimous consent that the section numbers in title I be changed where necessary so they may be arranged properly.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. TABER. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the committee.

Is it purposed by the chairman to offer motions that will bring part 2 of the bill into line with the amendment that was adopted by the Committee?

Mr. WARREN. I do not think so.

The Clerk read as follows:

PART 2

Sec. 21. The following sections of this part are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in sec. 22); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

Sec. 22. As used in this part, the term "resolution" means only a concurrent resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not favor the reorganization plan No. _____ transmitted to Congress by the President on _____, 19____," the blank spaces therein being appropriately filled; and does not include a concurrent resolution which specifies more than one reorganization plan.

Sec. 23. A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

Sec. 24. (a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of 10 calendar days after its introduction (or, in the case of a resolution received from the other House, 10 calendar days after its receipt), it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to 20 minutes, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan.

Sec. 25. (a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not to exceed 10 hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to, recommit the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

Sec. 26. (a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

(b) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

Sec. 27. If, prior to the passage by one House of a resolution of that House with respect to a reorganization plan, such House receives from the other House a resolution with respect to the same plan, then—

(a) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of section 24 (a)) be made the subject of a motion to discharge.

(b) If a resolution of the first House with respect to such plan has been referred to committee—

(1) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to committee shall be the same as if no resolution from the other House with respect to such plan had been received; but

(2) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically substituted for the resolution of the first House.

TITLE II—BUDGETARY CONTROL

Sec. 201. Section 2 of the Budget and Accounting Act, 1921 (U. S. C., 1934 edition, title 31, sec. 2), is amended by inserting after the word "including" the words "any independent regulatory commission or board and."

TITLE III—ADMINISTRATIVE ASSISTANTS

Sec. 301. The President is authorized to appoint not to exceed six administrative assistants and to fix the compensation of each at the rate of not more than \$10,000 per annum. Each such administrative assistant shall perform such duties as the President may prescribe.

Mr. COCHRAN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McCORMACK, 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. 4425) to provide for reorganizing agencies of the Gov-

ernment, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. COCHRAN. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. COCHRAN. Mr. Speaker, I demand a separate vote on the Summers amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The Clerk will report the Summers amendment.

The Clerk read as follows:

On page 6, line 1, after the word "the", strike out the words "two Houses a concurrent" and insert in lieu thereof the words "Senate or the House of Representatives a"; and in line 2 of said page, after the word "that", strike out the words "the Congress" and insert in lieu thereof the word "it", so that subsection (a) of section 5, which it is proposed hereby to amend, will read as follows:

"Upon the expiration of 60 calendar days after the date on which the plan is transmitted to the Congress, but only if during such 60-day period there has not been passed by the Senate or the House of Representatives a resolution stating in substance that it does not favor the reorganization plan."

The SPEAKER. The question is on the amendment.

Mr. COCHRAN. Mr. Speaker, on this vote I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 193, nays 209, not voting 32, as follows:

[Roll No. 26]

YEAS—193

Alexander	Dowell	Kean	Rockefeller
Allen, Ill.	Drewry	Kennedy, Martin	Rodgers, Pa.
Allen, Pa.	Dworshak	Kinzer	Rogers, Mass.
Andersen, H. Carl	Eaton, Calif.	Kleberg	Routzohn
Anderson, Mo.	Edmiston	Knutson	Rutherford
Andresen, A. H.	Elliott	Kunkel	Sandager
Andrews	Elston	Lambertson	Satterfield
Angell	Engel	Landis	Schafer, Wis.
Arends	Englebright	Lanham	Schiffler
Ashbrook	Faddis	LeCompte	Secombe
Austin	Fenton	Lewis	Secrest
Barton	Fish	Lewis, Ohio	Shafer, Mich.
Bates, Mass.	Ford, Leland M.	Lord	Short
Beckworth	Gamble	Luce	Simpson
Bender	Gartner	McDowell	Smith, Maine
Blackney	Gehrmann	McLaughlin	Smith, Ohio
Bolles	Gerlach	McLean	South
Bolton	Gibbs	McLeod	Spence
Boren	Gifford	Maas	Springer
Bradley, Mich.	Gilchrist	Mapes	Stefan
Brewster	Gillie	Marshall	Sumner, Ill.
Brown, Ohio	Graham	Martin, Iowa	Summers, Tex.
Burdick	Grant, Ind.	Martin, Mass.	Taber
Caldwell	Griswold	Mason	Talle
Cannon, Fla.	Gross	May	Taylor, Tenn.
Carlson	Guyer, Kans.	Michener	Thill
Carter	Gwynne	Miller	Thomas, N. J.
Case, S. Dak.	Hall	Monkiewicz	Thorkelson
Chapman	Halleck	Moser	Tibbott
Chipherfield	Hancock	Mott	Tinkham
Church	Harness	Mundt	Treadway
Clason	Harter, N. Y.	Murray	Van Zandt
Clevenger	Hawks	O'Brien	Vorys, Ohio
Cluett	Heinke	Oliver	Vreeland
Coffee, Nebr.	Hess	Patton	Wadsworth
Cole, Md.	Hinshaw	Pierce, N. Y.	Welch
Cole, N. Y.	Hobbs	Pittenger	West
Collins	Hoffman	Plumley	Wheat
Corbett	Holmes	Poage	White, Ohio
Crawford	Hope	Powers	Wigglesworth
Crosser	Horton	Rankin	Williams, Del.
Crowther	Hull	Reece, Tenn.	Winter
Culkin	Jarrett	Reed, Ill.	Wolcott
Curtis	Jenkins, Ohio	Reed, N. Y.	Wolfenden, Pa.
Darrow	Jensen	Rees, Kans.	Wolverton, N. J.
Dirksen	Johns	Rich	Woodruff, Mich.
Ditter	Johnson, Ill.	Risk	
Dondero	Johnson, Ind.	Robertson	
Douglas	Jones, Ohio	Robison, Ky.	

NAYS—209

Allen, La.	Beam	Bradley, Pa.	Buckley, N. Y.
Arnold	Bland	Brooks	Bulwinkle
Barden	Bloom	Brown, Ga.	Burch
Barnes	Boehne	Bryson	Burnin
Barry	Boland	Buck	Byrne, N. Y.
Bates, Ky.	Boykin	Buckler, Minn.	Byrns, Tenn.

Byron	Gore	McMillan, John L.	Sabath
Cannon, Mo.	Gossett	McMillan, Thos. S.	Sacks
Cartwright	Grant, Ala.	Maciejewski	Sasser
Casey, Mass.	Green	Magnuson	Schaefer, Ill.
Celler	Gregory	Mahon	Schuetz
Chandler	Griffith	Maloney	Schulte
Clark	Hare	Marcantonio	Schwert
Claypool	Harrington	Martin, Colo.	Scrugham
Cochran	Hart	Martin, Ill.	Shanley
Coffee, Wash.	Harter, Ohio	Massingale	Shannon
Colmer	Havener	Merritt	Sheppard
Connerly	Healey	Mills, Ark.	Sirovich
Cooley	Hendricks	Mills, La.	Smith, Conn.
Cooper	Hennings	Monroney	Smith, Ill.
Costello	Hill	Mouton	Smith, Va.
Cox	Hook	Murdock, Ariz.	Smith, Wash.
Crowe	Houston	Murdoch, Utah	Smith, W. Va.
Cullen	Hunter	Myers	Snyder
Cummings	Izac	Nelson	Somers, N. Y.
D'Alesandro	Jacobsen	Nichols	Sparkman
Darden	Jarman	Norrell	Steagall
Delaney	Johnson, Luther A.	Norton	Sullivan
Dempsey	Johnson, Okla.	O'Connor	Sutphin
DeRoven	Johnson, W. Va.	O'Day	Sweeney
Dickstein	Jones, Tex.	O'Leary	Tarver
Dingell	Kee	O'Neal	Tenerowicz
Doxey	Keller	O'Toole	Terry
Duncan	Kelly	Owen	Thomas, Tex.
Dunn	Kennedy, Michael	Pace	Thomason
Durham	Kennedy, Md.	Parsons	Tolan
Eberharter	Keogh	Patman	Turner
Ellis	Kilday	Patrick	Vincent, Ky.
Fay	Kirwan	Pearson	Vinson, Ga.
Fernandez	Kitchens	Peterson, Fla.	Voorhis, Calif.
Fitzpatrick	Kocialkowski	Peterson, Ga.	Wallgren
Flaherty	Kramer	Pfeifer	Walter
Flannagan	Larrabee	Pierce, Oreg.	Warren
Flannery	Lea	Polk	Weaver
Folger	Leavy	Rabaut	White, Idaho
Ford, Miss.	Lesinski	Ramspeck	Whittington
Ford, Thomas F.	Lewis, Colo.	Randolph	Williams, Mo.
Fries	Ludlow	Rayburn	Woodrum, Va.
Fulmer	McAndrews	Richards	Zimmerman
Garrett	McArdle	Robinson, Utah	The Speaker
Gathings	McCormack	Rogers, Okla.	
Gavagan	McGranery	Romjue	
Geyer, Calif.	McKeough	Ryan	

NOT VOTING—32

Anderson, Calif.	Doughton	Jenks, N. H.	Osmer
Ball	Eaton, N. J.	Johnson, Lyndon	Seger
Bell	Evans	Keefe	Starnes, Ala.
Creal	Ferguson	Kerr	Stearns, N. H.
Curley	Gearhart	McGehee	Taylor, Colo.
Daly	Goldsborough	McReynolds	Wheelchel
Dies	Hartley	Mansfield	Wood
Disney	Jeffries	Mitchell	Youngdahl

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. BANKHEAD, and he answered "nay."

So the amendment was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Eaton of New Jersey (for) with Mr. Doughton (against).
 Mr. Jeffries (for) with Mr. Mansfield (against).
 Mr. Keefe (for) with Mr. Curley (against).
 Mr. Stearns of New Hampshire (for) with Mr. Bell (against).
 Mr. Hartley (for) with Mr. Kerr (against).
 Mr. Ball (for) with Mr. Starnes of Alabama (against).
 Mr. Jenks of New Hampshire (for) with Mr. McReynolds (against).
 Mr. Osmer (for) with Mr. Evans (against).
 Mr. Seger (for) with Mr. Daly (against).
 Mr. Youngdahl (for) with Mr. McGeehee (against).
 Mr. Anderson of California (for) with Mr. Disney (against).

General pairs:

Mr. Dies with Mr. Gearhart.
 Mr. Taylor of Colorado with Mr. Creal.
 Mr. Wood with Mr. Mitchell.
 Mr. Ferguson with Mr. Wheelchel.

The result of the vote was announced as above recorded.

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

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

Mr. TABER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TABER. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TABER moves to recommit the bill to the Select Committee on Government Organization with instructions to report the same back forthwith with the following amendment: Page 5, line 21, to page 6, line 9, strike out all of section 5 and insert in lieu thereof:

"Sec. 5. The reorganization specified in the plan shall not become effective until after the enactment of a joint resolution specifically approving such plan. Any such joint resolution shall provide for the approval of such plan as a whole, without modifications, and shall contain no other provisions. If any such joint resolution providing for the approval of any such plan is introduced in either House, it shall at once become the special order therein and that House shall proceed to its consideration, without reference to a committee; and, not later than 1 hour after the House meets on the twentieth calendar day (Sundays excepted) after the day on which such joint resolution was introduced, a vote shall be taken in that House on the question of the passage of a joint resolution approving such plan. If any such joint resolution is passed by one House, it shall be sent to the other House, and that House shall immediately proceed to its consideration, without reference to a committee. Not later than 1 hour after that House meets on the twentieth calendar day (Sundays excepted) after it has received such joint resolution, a final vote shall be taken in that House on the question of the passage of such joint resolution. No notice or motion to reconsider the vote shall be in order."

Mr. COCHRAN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from New York to recommit the bill.

Mr. TABER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. DINGELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGELL. Does this motion to recommit contain the so-called Kleberg amendment in disguise?

The SPEAKER. The Chair is not prepared to answer that parliamentary inquiry.

The question was taken; and there were—yeas 163, nays 236, not voting 34, as follows:

(Roll No. 27)

YEAS—163

Alexander	Eaton, Calif.	Kinzer	Rodgers, Pa.
Allen, Ill.	Elston	Kleberg	Rogers, Mass.
Allen, Pa.	Engel	Knutson	Routzohn
Andersen, H. Carl	Englebright	Kunkel	Rutherford
Andersen, A. H.	Fenton	Lambertson	Sandager
Andrews	Fish	Landis	Schafer, Wis.
Angell	Ford, Leland M.	Lanham	Schiffler
Arends	Gamble	LeCompte	Secombe
Austin	Gartner	Lemke	Secrest
Barton	Gerlach	Lewis, Ohio	Shafer, Mich.
Bates, Mass.	Gifford	Lord	Short
Bender	Gilchrist	Luce	Simpson
Blackney	Gille	McDowell	Smith, Maine
Bolles	Graham	McLean	Smith, Ohio
Bolton	Grant, Ind.	McLeod	Springer
Bradley, Mich.	Griswold	Maas	Stefan
Brewster	Gross	Mapes	Sumner, Ill.
Brown, Ohio	Guyer, Kans.	Marshall	Taber
Burdick	Gwynne	Martin, Iowa	Talle
Carlson	Hall	Martin, Mass.	Taylor, Tenn.
Carter	Halleck	Mason	Thill
Case, S. Dak.	Hancock	Michener	Thomas, N. J.
Chapman	Harness	Miller	Thorkelson
Chipperfield	Harter, N. Y.	Monkiewicz	Tibbott
Church	Hawks	Mott	Tinkham
Clason	Helms	Mundt	Treadway
Clevenger	Hess	Murray	Van Zandt
Cluett	Rinshaw	O'Brien	Vorys, Ohio
Cole, N. Y.	Hoffman	Oliver	Vreeland
Corbett	Holmes	Pierce, N. Y.	Wadsworth
Crawford	Hope	Pittenger	West
Crowther	Horton	Plumley	Wheat
Culkin	Hull	Powers	White, Ohio
Curtis	Jarrett	Reece, Tenn.	Wigglesworth
Darrow	Jenkins, Ohio	Reed, Ill.	Williams, Del.
Dirksen	Jensen	Reed, N. Y.	Winter
Ditter	Johns	Rees, Kans.	Wolcott
Dondero	Johnson, Ill.	Rich	Wolfenden, Pa.
Douglas	Johnson, Ind.	Risk	Wolverton, N. J.
Dowell	Jones, Ohio	Robison, Ky.	Woodruff, Mich.
Dworshak	Kean	Rockefeller	

NAYS—236

Allen, La.	Boykin	Cannon, Fla.	Cooper
Anderson, Mo.	Bradley, Pa.	Cannon, Mo.	Costello
Arnold	Brooks	Cartwright	Cox
Ashbrook	Brown, Ga.	Casey, Mass.	Crosser
Barden	Bryson	Celler	Crowe
Barnes	Buck	Chandler	Cullen
Barry	Buckler, Minn.	Clark	Cummings
Bates, Ky.	Buckley N. Y.	Claypool	D'Alesandro
Beam	Bulwinkle	Cochran	Darden
Beckworth	Burch	Coffee, Nebr.	Delaney
Bland	Burgin	Coffee, Wash.	Dempsey
Bloom	Byrne, N. Y.	Cole, Md.	DeRoven
Boehne	Byrns, Tenn.	Colmer	Dickstein
Boland	Byron	Connerly	Dingell
Boren	Caldwell	Cooley	Doxey

Drewry	Hunter	Mills, Ark.	Satterfield	Coffee, Nebr.	Green	Maclejewski	Ryan
Duncan	Izac	Mills, La.	Schaefer, Ill.	Coffee, Wash.	Gregory	Magnuson	Sabath
Dunn	Jacobsen	Monroney	Schuetz	Cole, Md.	Griffith	Mahon	Sacks
Durham	Jarman	Moser	Schulte	Collins	Hare	Maloney	Sasser
Eberhart	Johnson, Luther A.	Mouton	Schwert	Colmer	Harrington	Mapes	Satterfield
Edmiston	Johnson, Okla.	Murdock, Ariz.	Scruggam	Connery	Hart	Marcanonio	Schaefer, Ill.
Elliott	Johnson, W. Va.	Murdock, Utah	Shanley	Cooley	Harter, Ohio	Martin, Colo.	Schuetz
Ellis	Jones, Tex.	Myers	Shannon	Cooper	Havenner	Martin, Ill.	Schulte
Faddis	Kee	Nelson	Sheppard	Costello	Healey	Massingale	Schwert
Fay	Keller	Nichols	Sirovich	Cox	Hendricks	May	Scruggam
Fernandez	Kelly	Norrell	Smith, Conn.	Crosser	Hennings	Merritt	Shanley
Fitzpatrick	Kennedy, Martin	Norton	Smith, Ill.	Crowe	Hill	Mills, Ark.	Shannon
Flaherty	Kennedy, Michael	O'Connor	Smith, Va.	Cullen	Hobbs	Mills, La.	Sheppard
Flannagan	Kennedy, Md.	O'Day	Smith, Wash.	Cummings	Hook	Monroney	Sirovich
Flannery	Keogh	O'Leary	Smith, W. Va.	D'Alesandro	Hope	Moser	Smith, Conn.
Folger	Kilday	O'Neal	Snyder	Darden	Houston	Mouton	Smith, Ill.
Ford, Miss.	Kirwan	O'Toole	Somers, N. Y.	Delaney	Hull	Murdock, Ariz.	Smith, Va.
Ford, Thomas F.	Kitchens	Owen	South	Dempsey	Hunter	Murdock, Utah	Smith, Wash.
Fries	Kocalkowski	Pace	Sparkman	Izac	Izac	Myers	Smith, W. Va.
Fulmer	Kramer	Parsons	Spence	Jacobsen	Jacobsen	Nelson	Snyder
Garrett	Larrabee	Patman	Steagall	Jarman	Jarman	Nichols	Somers, N. Y.
Gathings	Lea	Patrick	Sullivan	Johnson, Luther A.	Johnson, Luther A.	Norrell	South
Gavagan	Leavy	Patton	Sumners, Tex.	Johnson, Okla.	Johnson, Okla.	Norton	Sparkman
Gehrmann	Lesinski	Pearson	Sutphin	Johnson, W. Va.	Johnson, W. Va.	O'Connor	Spence
Geyer, Calif.	Lewis, Colo.	Peterson, Fla.	Sweeney	Jones, Tex.	Jones, Tex.	O'Day	Steagall
Gibbs	Ludlow	Peterson, Ga.	Tarver	Kee	Kee	O'Leary	Sullivan
Gore	McAndrews	Pfeifer	Tenerowicz	Keller	Keller	O'Neal	Sumners, Tex.
Gossett	McArdle	Pierce, Oreg.	Terry	Kelly	Kelly	O'Toole	Sutphin
Grant, Ala.	McCormack	Poage	Thomason	Kennedy, Martin	Kennedy, Martin	Owen	Sweeney
Green	McGranery	Polk	Tolan	Kennedy, Michael	Kennedy, Michael	Pace	Tarver
Gregory	McKeough	Rabaut	Turner	Kennedy, Md.	Kennedy, Md.	Parsons	Tenerowicz
Griffith	McLaughlin	Ramspeck	Vincent, Ky.	Keogh	Keogh	Patman	Terry
Hare	McMillan, John L.	Randolph	Vinson, Ga.	Kilday	Kilday	Patrick	Thomason
Harrington	McMillan, Thos. S.	Rankin	Voorhis, Calif.	Fay	Fay	Patton	Tolan
Hart	Maclejewski	Rayburn	Wallgren	Fernandez	Fernandez	Pearson	Turner
Harter, Ohio	Magnuson	Richards	Warren	Fitzpatrick	Fitzpatrick	Peterson, Fla.	Vincent, Ky.
Havenner	Mahon	Robertson	Weaver	Flaherty	Flaherty	Peterson, Ga.	Vinson, Ga.
Healey	Maloney	Rogers, Okla.	Welch	Flannagan	Flannagan	Pfeifer	Voorhis, Calif.
Hendricks	Marcanonio	Romjue	Whitington	Folger	Folger	Pierce, Oreg.	Wadsworth
Hennings	Martin, Colo.	Ryan	Williams, Mo.	Ford, Miss.	Ford, Miss.	Poage	Wallgren
Hill	Martin, Ill.	Sabath	Woodrum, Va.	Ford, Thomas F.	Ford, Thomas F.	Polk	Walter
Hobbs	Massingale	Sacks	Zimmerman	Fries	Fries	Rabaut	Warren
Hook	May	Sasser		Fulmer	Fulmer	Ramspeck	Weaver
Houston	Merritt			Garrett	Garrett	Randolph	Welch
				Gathings	Gathings	Rankin	White, Idaho
				Gavagan	Gavagan	Rayburn	Whittington
				Gehrmann	Gehrmann	Reece, Tenn.	Williams, Mo.
				Geyer, Calif.	Geyer, Calif.	Richards	Wolverton, N. J.
				Gibbs	Gibbs	Robertson	Woodrum, Va.
				Gore	Gore	Robinson, Utah	Zimmerman
				Gossett	Gossett		
				Grant, Ala.	Grant, Ala.		

NOT VOTING—34

Anderson, Calif.	Doughton	Johnson, Lyndon	Starnes, Ala.
Ball	Eaton, N. J.	Keefe	Stearns, N. H.
Bell	Evans	Kerr	Taylor, Colo.
Collins	Ferguson	McGehee	Thomas, Tex.
Creal	Gearhart	McReynolds	Whelchel
Curley	Goldsborough	Mansfield	Wood
Daly	Hartley	Mitchell	Youngdahl
Dies	Jeffries	Osmer	
Disney	Jenks, N. H.	Seger	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Eaton of New Jersey (for) with Mr. Doughton (against).
 Mr. Jeffries (for) with Mr. Mansfield (against).
 Mr. Keefe (for) with Mr. Curley (against).
 Mr. Stearns of New Hampshire (for) with Mr. Bell (against).
 Mr. Hartley (for) with Mr. Kerr (against).
 Mr. Ball (for) with Mr. Starnes of Alabama (against).
 Mr. Jenks of New Hampshire (for) with Mr. McReynolds (against).
 Mr. Osmer (for) with Mr. Evans (against).
 Mr. Seger (for) with Mr. Daly (against).
 Mr. Youngdahl (for) with Mr. McGehee (against).
 Mr. Gearhart (for) with Mr. Thomas of Texas (against).

Until further notice:

Mr. Taylor of Colorado with Mr. Creal.
 Mr. Wood with Mr. Mitchell.
 Mr. Ferguson with Mr. Whelchel.
 Mr. Dies with Mr. Goldsborough.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. COCHRAN. Mr. Speaker, on the final passage I ask for the yeas and nays.

Mr. TABER. Mr. Speaker, I also ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 246, nays 153, not voting 34, as follows:

[Roll No. 28]

YEAS—246

Allen, La.	Bland	Buck	Cannon, Fla.
Anderson, Mo.	Bloom	Buckler, Minn.	Cannon, Mo.
Arnold	Boehne	Buckley, N. Y.	Cartwright
Ashbrook	Boland	Bulwinkle	Casey, Mass.
Barden	Boren	Burch	Celler
Barnes	Boykin	Burgin	Chandler
Barry	Bradley, Pa.	Byrne, N. Y.	Chapman
Bates, Ky.	Brooks	Byrns, Tenn.	Clark
Beam	Brown, Ga.	Byron	Claypool
Beckworth	Bryson	Caldwell	Cochran

Alexander	Elston	Kleberg	Routzohn
Allen, Ill.	Engel	Kunkel	Rutherford
Allen, Pa.	Englebright	Lambertson	Sandager
Andersen, H. Carl	Fenton	Landis	Schafer, Wis.
Andrews	Fish	Lanham	Schiffler
Angell	Ford, Leland M.	LeCompte	Secombe
Arends	Gamble	Lemke	Secrest
Austin	Gartner	Lewis, Ohio	Shafer, Mich.
Barton	Gerlach	Lord	Short
Bates, Mass.	Gifford	Luce	Simpson
Bender	Gilchrist	McDowell	Smith, Maine
Blackney	Gillie	McLean	Smith, Ohio
Bolles	Graham	McLeod	Springer
Bolton	Grant, Ind.	Maas	Stefan
Bradley, Mich.	Griswold	Marshall	Sumner, Ill.
Brewster	Gross	Martin, Iowa	Taber
Brown, Ohio	Guyer, Kans.	Martin, Mass.	Talle
Burdick	Gwynne	Mason	Taylor, Tenn.
Carlson	Hall	Michener	Thill
Carter	Halleck	Miller	Thomas, N. J.
Case, S. Dak.	Hancock	Monkiewicz	Thorkelson
Chipfield	Harness	Mott	Tibbott
Church	Harter, N. Y.	Mundt	Tinkham
Clason	Hawks	Murray	Treadway
Clevenger	Heinke	O'Brien	Van Zandt
Cole, N. Y.	Hess	Oliver	Vorsy, Ohio
Corbett	Hinshaw	Pierce, N. Y.	Vreeland
Crawford	Hoffman	Pittenger	West
Crowther	Holmes	Plumley	Wheat
Culkin	Horton	Powers	White, Ohio
Curtis	Jarrett	Reed, Ill.	Wigglesworth
Darrow	Jenkins, Ohio	Reed, N. Y.	Williams, Del.
Dirksen	Jensen	Rees, Kans.	Winter
Ditter	Johns	Rich	Wolfcott
Dondero	Johnson, Ill.	Risk	Wolfenden, Pa.
Douglas	Johnson, Ind.	Robison, Ky.	Woodruff, Mich.
Dowell	Jones, Ohio	Rockefeller	
Dworschak	Kean	Rodgers, Pa.	
	Kinzer	Rogers, Mass.	

NAYS—153

NOT VOTING—34

Anderson, Calif.	Doughton	Johnson, Lyndon	Starnes, Ala.
Ball	Eaton, N. J.	Keefe	Stearns, N. H.
Bell	Evans	Kerr	Taylor, Colo.
Cluett	Ferguson	McGehee	Thomas, Tex.
Creal	Gearhart	McReynolds	Whelchel
Curley	Goldsborough	Mansfield	Wood
Daly	Hartley	Mitchell	Youngdahl
Dies	Jeffries	Osmer	
Disney	Jenks, N. H.	Seger	

So the bill was passed.

The Clerk announced the following additional pairs:
On this vote:

Mr. Doughton (for) with Mr. Eaton of New Jersey (against).
Mr. Mansfield (for) with Mr. Jeffries (against).
Mr. Curley (for) with Mr. Keefe (against).
Mr. Bell (for) with Mr. Stearns of New Hampshire (against).
Mr. Kerr (for) with Mr. Hartley (against).
Mr. Starnes of Alabama (for) with Mr. Ball (against).
Mr. McReynolds (for) with Mr. Jenks of New Hampshire (against).
Mr. Evans (for) with Mr. Osmer (against).
Mr. Daly (for) with Mr. Seger (against).
Mr. McGehee (for) with Mr. Youngdahl (against).
Mr. Disney (for) with Mr. Anderson of California (against).
Mr. Thomas of Texas (for) with Mr. Gearhart (against).
My Lyndon B. Johnson (for) with Mr. Cluett (against).

Until further notice:

Mr. Taylor of Colorado with Mr. Creal.
Mr. Wood with Mr. Mitchell.
Mr. Ferguson with Mr. Wheelchel.
Mr. Dies with Mr. Goldsborough.

The result of the vote was announced as above recorded.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

INDEPENDENT OFFICES APPROPRIATION BILL, 1940—CONFERENCE REPORT

Mr. WOODRUM of Virginia. Mr. Speaker, I submit a conference report on the bill (H. R. 3743) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1940, and for other purposes, for printing under the rule.

DEFICIENCY APPROPRIATION BILL—CONFERENCE REPORT

Mr. WOODRUM of Virginia. Mr. Speaker, I submit a conference report and statement on the bill (H. R. 2868) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1939, to provide supplemental appropriations for the fiscal year ending June 30, 1939, and for other purposes, for printing under the rule.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WHEELCHEL, indefinitely, on account of illness.
To Mr. JEFFRIES (at the request of Mr. WOLVERTON), indefinitely, on account of illness.
To Mr. KRAMER, for 7 days, on account of official business.
To Mr. STARNES of Alabama (at the request of Mr. SPARKMAN), for the remainder of the week, on account of important business in his district.
To Mr. FADDIS, for 2 days, on account of important business.

MILK INVESTIGATION—DISTRICT OF COLUMBIA

Mr. SMITH of Virginia, from the Committee on Rules, submitted the following resolution (Rept. No. 180) for printing under the rule.

House Resolution 113

Resolved, That the House Committee on the District of Columbia, or a duly authorized subcommittee thereof, be, and is hereby, authorized and directed to make a full and complete investigation of (1) the sources and purity of the milk and cream supply of the District of Columbia; (2) of any violation of the law of the District of Columbia or regulations of the District Commissioners made pursuant thereto with respect to the importation of milk or cream into the District of Columbia or importation of unlicensed milk or cream into the District of Columbia and the method by which such violations are perpetrated; (3) the possible effect upon the health of the community by reason of the unlawful importation of unlicensed milk or cream into the District of Columbia; (4) whether and to what extent cream for ice cream purposes, under section 4 of the 1925 Milk Act of the District of Columbia, is being diverted unlawfully to milk or cream for fluid consumption; (5) whether any conspiracy exists on the part of any distributor of any dairy products to violate the provisions of the 1925 District Milk Act or the regulations made pursuant thereto.

The said committee or any subcommittee thereof is hereby authorized for the purpose of this resolution to subpoena and require the production of the books and records of any person, firm, or corporation licensed to import milk or cream into the District of Columbia or of any person, firm, or corporation which it has reason to believe is unlawfully importing milk or cream into the District of Columbia or unlawfully selling the same.

For the purposes of this resolution, the said committee or any subcommittee thereof is hereby authorized to sit and act at such times and places within the United States, whether the House is sitting or has recessed or has adjourned, to hold such hearings,

to require the attendance of such witnesses, and the production of such books or papers or documents or vouchers by subpoena or otherwise, to take such testimony and records, and to employ such clerical and other assistants as it deems necessary. Subpoenas shall be issued under the signature of the Speaker of the House at the request of the chairman of the committee and shall be served by the Sergeant at Arms of the House or by such person or persons as may be designated by him. The chairman of the committee or any member of the committee may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said special committee or any subcommittee thereof, or having been required to produce necessary books or papers or documents or vouchers by authority of said special committee or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the study and investigation heretofore authorized, or who fails to produce such books or papers or documents or vouchers as required by subpoenas, shall be held to the penalties provided in section 102 of the Revised Statutes of the United States (U. S. C., title 2, sec. 192), as amended.

That the committee or duly authorized subcommittee is authorized to call upon any agency of the District or Federal Government for the purpose of rendering assistance in carrying out the terms of this resolution.

That the said committee shall report to the House of Representatives at the earliest practicable date the result of its investigation, together with its recommendations for the enactment of desirable or necessary legislation or regulations.

EXTENSION OF REMARKS

Mr. SABATH asked and was given permission to revise and extend his own remarks.

LEAVE OF ABSENCE

Mr. SABATH. Mr. Speaker, I ask unanimous consent for leave of absence for 5 days on account of a death in my family, of which I have just received notice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record by including a speech delivered on the floor of the House.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include therein a speech made by the gentleman from Illinois [Mr. SMITH].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. GERLACH] may be allowed to address the House for 20 minutes on Monday next after the completion of the legislative program for the day and such other special orders as may have been entered.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REORGANIZATION BILL

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CHURCH. Mr. Speaker, whatever defects the pending bill for the reorganization of the Government may have, it must be said it is far superior to the measure which the administration unsuccessfully endeavored to have enacted by the last Congress. This pending proposal at least makes some attempt to place some limitations on the power to be delegated to the President, whereas the defeated proposal of the Seventy-fifth Congress would have vested in the President practically unlimited powers.

Those who are familiar with the original reorganization bill, so called, which the President suggested, will well remember that it was so designed as to enable the President to abolish the entire executive branch of the Government if he so desired, with absolutely no check on the exercise of that sweeping power. He could have abolished all the independent agencies and commissions, quasi judicial and quasi

legislative in character. The power to be delegated under the original proposal was so broad that, as one commentary put it, the President could abolish his own office.

It will always be difficult for the American people to understand why a measure of that kind and character should even so much as enter the minds of men living in a free country, much less be recommended for enactment to the free representatives of a free people charged with the responsibility of preserving our constitutional form of government. And it will always be difficult for the American people to understand why the President stubbornly resisted the attempts then made in Congress so to amend the proposed bill that the Congress might retain some check on the exercise of the great power it was asked to delegate. It has caused thoughtful men and women to wonder as to the true motives of those who sought such power and who insisted that no limitations be placed on it.

That is now history. Posterity will better understand and appreciate that crucial period for American democracy than those of us who lived through it and met the test.

The significance of the victory for our system of government that was won in the defeat of the New Deal reorganization bill by the Seventy-fifth Congress is, to some extent, reflected in the character of the reorganization bill now being considered by the Seventy-sixth Congress. Rather than again recommending a broad delegation of power without any limitation whatsoever, the pending bill at least attempts to place some limitations on it and at least makes semblance of leaving a check in Congress.

But the question is, How real are the limitations and how effective is the check Congress is to have under the terms of this bill on the possible arbitrary exercise of delegated power?

Before turning to the provisions of this specific measure, I should like to make a few observations on the subject of Government reorganization generally. I should like to comment briefly on the different kinds of reorganization plans and on the different legislative methods of putting those plans into effect. By such an examination of the subject we will bring ourselves to a better understanding of the approach this particular bill before us makes to the problem and what other methods are open to us to employ for reorganization.

From such study as I have been able to make of the problem of government reorganization, State and Federal, there seem to be three general concepts. In other words, practically all the government reorganization proposals I have had occasion to examine may be classified in one of three general concepts, dependent upon the approach each makes to the problem.

First. There is the reorganization proposal that emphasizes as its objective a transfer and regrouping of executive agencies so as to provide for a greater coordination of activities and a larger degree of supervision and control by the Chief Executive. A proposal of this character has coordination and control as its primary objective rather than economy.

Second. There is the reorganization proposal that emphasizes as its objective the actual reduction in the cost of government. It seeks a simplification of the processes of government and the elimination of all unnecessary activities with a view to obtaining actual savings for the people who bear the ever-increasing cost.

No hard and fast line can be drawn between these two classes or concepts of reorganization. The distinction lies in where the emphasis is placed and what constitutes the immediate objective, whether simply in a reshuffling of bureaus and agencies or in reducing the expense of government. Both look to a surgical operation on the executive body on which all manner of bureaus and agencies have affixed themselves.

And there is a third type of reorganization proposal which especially commends itself to me as representing the really practical approach. It is the plan which not only looks to immediate reorganization of the Government in the interest of economy and efficiency but also definitely establishes a legislative mechanism for the orderly consideration of or-

ganization problems as they arise in the future. It must not be forgotten that even though we should today so arrange the bureaus and agencies as to place the Government on an economical basis, even though we might by some magic be able to make the entire machinery perfect, next year and the years to come will present changed conditions and new problems.

It is a serious mistake to think of Government reorganization as just something to be done today. Rather, it should be thought of as a continuous process, to be undertaken every year Congress meets. No Government reorganization can, in my judgment, be said to be complete unless at the same time we take pains to devise a practical method whereby it may be kept reorganized, so to speak, and at the same time meet new conditions and situations. An agency which may be extremely important today may readily become unnecessary tomorrow. What is economical today may be expensive tomorrow; what is efficient today may be inefficient tomorrow. A well considered reorganization plan would make provision for such future contingencies.

Let us now ask ourselves: In which of these three general classes of Government reorganization proposals should this particular bill we are considering be placed?

I regret to have to say that of the three possibilities this bill falls within the group having the least merit. In the first place, the measure does not look upon reorganization as a continuous need and responsibility in the interest of future economy and efficiency. There is not a single provision in the bill to enable the Congress to keep the Government on an economical and efficient basis. No attempt is made in any part of the bill to set up a definite procedure or mechanism whereby the Congress may effectively keep itself in touch with new conditions and activities. Such machinery could readily be established through the General Accounting Office and our standing Committee on Appropriations.

In the second place, the measure before us does not have economy as an immediate objective. It would be more accurate to say that the entire emphasis is on giving the President power to rearrange and consolidate the 132 existing agencies and bureaus so that he may exercise greater control over them. The general tone of the bill, as well as its specific provisions, make it clear that the primary purpose of the proposal is not to realize actual savings for the taxpayers but simply to change the executive structure.

This represents one of the distinguishing features between this bill, H. R. 4425, and that sponsored by the Senate Special Committee to Investigate Executive Agencies under the chairmanship of Senator HARRY BYRD, of Virginia. And it is this distinguishing feature, among others, which commends the so-called Byrd bill, S. 1706, to me in preference to that before us in the House.

It is true that it is set forth in the measure before us that one of the purposes of the bill is to "reduce expenditures to the fullest extent consistent with the efficient operation of the Government." Other than those few words, practically no attention is given to economy.

In comparison I would like to call your special attention to the opening section of the Byrd bill. It not only contains the words just quoted from the bill we are considering, but the Byrd bill by declaration emphasizes economy as an objection. Let me read the language to be found in section 1 (a) not to be found anywhere in the administration's bill:

The Congress hereby declares that a serious emergency exists by reason of continued national deficits; that it is imperative to reduce drastically Government expenditures; and that such reduction may be accomplished in great measure by proceedings immediately under the provisions of this act.

That language solemnly declares to the President that the power to be exercised under the terms of the bill in the reorganization of the Government is not simply to reshuffle bureaus and agencies but definitely to realize economy. It solemnly declares to the President that economy is to be immediate objective in any plan he may submit. But no such declaration is contained in the administration's bill we are debating, notwithstanding the fact that our national debt is rapidly approaching \$50,000,000,000, and the

Secretary of the Treasury has recently recommended that the existing statutory limitation of \$45,000,000,000 be raised.

And, Mr. Speaker, there are certain other distinguishing features between this New Deal bill and the Byrd bill along this same line that should be noted in passing as indicating difference between the two as relating to needed economy. In section 3 (c), (d), and (e) of the Byrd bill are to be found carefully worded provisions to prevent the continuance of temporary or emergency agencies beyond the period authorized by law and to prevent there being any increase in the agencies.

The importance of those restrictive provisions in the Byrd bill cannot be overemphasized. Of the list of 132 existing agencies as of January 1, 1937, compiled by the Brookings Institution, 35 of them were created by the President himself or by other executive agencies. They were not created by law or specifically authorized by law. They were simply created out of the innumerable delegations of power made to the President during the last 6 years and funds were allotted to them by the President out of the blank-check appropriations New Deal Congresses have been making for the President's disposition. And, it is of interest to note that 8 of these agencies were established without even a formal Executive order, but rather simply by a letter or informal memorandum out of the White House.

For obvious reasons, if we are ever to realize economy in government, if we are ever to accomplish a reorganization to simplify the processes of government, such practices on the part of this President or any other President must stop. To make certain that it will be stopped the Byrd bill makes specific provision to preclude it.

And there is still another distinguishing feature of the Byrd bill which indicates it has economy as an immediate objective as compared to the administration's bill we have under consideration. In section 4 of the Byrd bill, page 6, will be found a provision requiring a far more rigid report from the President showing the increase or decrease in expenditures which will result from any reorganization plan he may submit under the power delegated, than is required by this House bill.

I am convinced, Mr. Speaker, that a careful study of the measure before us today on the administration's recommendation employs the least effective of three possible reorganization concepts. It makes no provision for reorganization as a continuing process, and it makes no definite avowal or even pretense of accomplishing an actual reduction in the cost of government. While the Byrd bill falls short of what might be done for a really practical and effective reorganization plan, nonetheless it is a far superior measure to H. R. 4425, the administration sponsors.

Now, Mr. Speaker, I would like to turn from the question of plans of reorganization and their objectives to legislative methods of putting the plans into effect. In many respects this may be said to be the most important part of the entire subject, inasmuch as it seriously involves our system of government. It is on this phase of the subject of reorganization that most of the controversy in Congress arises.

As I view the question of methods that might be employed for accomplishing a reorganization, there are five possibilities, bearing in mind that our system of government is one of "checks and balances" we are under oath to preserve.

First. There is the orthodox method, strictly in keeping with the principles of this democracy. Instead of making any delegation of power to the President, simply leave it to him to recommend any changes in existing laws affecting organization and Government activities and leave it to Congress to enact the recommendations into law. Or, even without any Presidential suggestion or recommendation, Congress could proceed to pass various bills for reorganizations.

This is the customary legislative procedure. It is the procedure the founders of our Government would insist upon. It is the procedure in keeping with the established principles of our democracy, whereby the Executive and the Congress cooperate but one operates as a definite check on the other.

Being the orthodox procedure in our democracy, I suppose we should naturally expect the new dealers to reject it. Judging from the nature of a great many bills the New Deal has enacted in the last 6 years, delegations of power and blank-check appropriations, as well as the defeated Supreme Court plan, anything that is orthodox and in keeping with the Constitution is just naturally taboo to the New Deal. For some reason the new dealers seem to be endowed with an innate dislike for anything that is orthodox. And so, as to be expected, this method of proceeding toward a reorganization is not employed by the administration in this bill.

Second. There is the method whereby Congress delegates certain powers to the President to issue reorganization orders or plans, but they are not to become effective until approved by the House and Senate by joint resolution. Under this procedure Congress must act on the question of approval or disapproval within a certain specified number of days after the joint resolution for approval is introduced, which is made a special order of business. The obvious advantage to be gained by the administration by this method is that no amendment can be made to the plan submitted and all possible committee difficulties are eliminated. It brings the question of approval promptly to a vote.

This is the method embodied in the Byrd bill, allowing 20 days within which each body of Congress must act after the resolution is introduced. While there is a delegation of power to the President, he can exercise that power only with the positive approval by Congress. His plan for reorganization cannot be emasculated by House and Senate amendments, but the plan does not become effective without an expression of approval by the House and Senate.

This method of procedure clearly leaves a check on the Executive by the people's representatives in Congress. It constitutes a protection against the possible arbitrary exercise of power by the Executive. It gives the President freedom to act but at the same time preserves the principle of checks and balances. And we cannot to greatly stress how important it is that Congress have a check on the delegate power, even though it may never have occasion to use it in refusing approval of any plan the Executive may propose.

But apparently this method of procedure is also much too orthodox for the new dealers, who have demonstrated their impatience with the democracy. For some reason they have a natural dislike for any effective check in Congress on the exercise of any delegated power to the Executive.

And so we will have to turn to the third possible method of procedure which is not quite so orthodox and which would leave less control in the hands of Congress. Power can be delegated to the President to issue Executive orders for reorganization and provide that those orders become effective unless either the House or Senate pass a resolution within a certain specified number of days to negative it or set it aside. This method gives the Executive order full force and effect of law unless one or the other House of Congress acts within 20 days, let us say, to set it aside.

But this method also leaves too much of a check on the President and his advisers to satisfy the new dealers. While the action to be taken by Congress is purely of a negative nature and there is a time limitation within which the action must be taken, only one House need to act within that time to prevent the Executive order from being law. And that method was rejected by the new dealers.

We must then turn to the fourth possible method of procedure in putting a reorganization of the Government into effect. We must depart still further from the orthodox method of legislative procedure if we are to find the scheme suggested by the New Deal. And we thus come to the device set out in this particular bill.

In section 5 it provides that the Executive order or orders of the President will become effective unless within 60 days both the House and Senate pass a concurrent resolution to set it aside. Obviously, this method makes the check of Congress even less effective, because both Houses of Congress must act. So long as the President and his advisers can block action in one of the Houses of Congress the Executive order will go entirely unchecked, regardless of what the other

House may desire. And you and I know that pap, patronage, pressure, and projects have shown themselves to be rather effective means employed by the new dealers in influencing the House or Senate.

Drastic limitations are placed on the debate under the terms of this provision, even in face of the stipulation in the Constitution to the effect that each House of Congress will have control over its own rules of procedure and debate. Assume that the President should issue an Executive order embodying a plan for the complete revision of the Government, abolishing functions of departments and agencies, and nullifying laws now on the statute books; and assume that the complicated plan covers several hundred, perhaps thousands of pages; under the terms of this bill, limiting the time within which Congress can consider the proposal, it would not be possible to consider the plan and all its implications.

One can best obtain a picture of the breadth of the power delegated to the President by this particular bill by turning to the language employed in section 4 (c) on page 4. It speaks of what the President's reorganization plans may embody in the following language:

the abolition of the whole or any part of any executive agency or the functions thereof.

There are thus two questions to be answered in an interpretation of the power that vests under that language in the President: What is an executive agency? And, secondly, what is a function? It is important that we understand the meaning of those terms in understanding what the President may abolish and actually do.

The definition of the term "executive agency" is to be found on page 2, section 2. It reads:

When used in this title, the term "executive agency" means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government.

In short, the term "executive agency" was defined broad enough to include every single part of the executive branch of the Government. The term is defined as the whole administrative machinery that exists, from a Cabinet officer to some minor office. Subject to the few limitations to be found in section 3, page 3, the President is thus to be delegated power to abolish practically the whole of our administrative machinery.

Now, what does the word "functions" mean, which the President may abolish? It can be given only one construction. That word "functions" means policies of government. In other words, by the language of section 4 (c) the President is delegated the power to abolish existing policies and thus to declare null and void practically every law on the statute books, of which it is a function of the respective executive agencies to administer.

Is not the power to abolish functions, change policies, and to declare our laws null and void a power that is sweeping in nature? Yet that is the very power we are asked here to delegate.

It is alleged that the limitation in section 3, on page 3, does not permit the President to abolish or transfer an established executive department under the respective Cabinet officers. I ask that you note carefully the language of section 3 and (a):

SEC. 3. No reorganization plan under section 4 shall provide—

(a) For the abolition or transfer of an executive department or all the functions thereof.

Note carefully it says no plan can abolish "all the functions" of an executive department. But the President can abolish some of the functions of an executive department. He can abolish 1 percent of them or 99 percent. As a practical matter, while he cannot completely wipe out an executive department, he can wipe out 99 percent of its functions and thus reduce it to something of no importance or consequence. And so that limitation is not as real as it would at first blush appear.

Yet such far-reaching action would go into effect regardless, under an Executive order unless both the Senate and House set it aside within 60 days. And do not forget that a

calendar day of 60 days may amount to only 30 legislative days, or less, insofar as the actual consideration of the President's plan may be given by Congress. And do not overlook the fact that the Senate has unlimited debate, and it is perfectly possible for a filibuster to take place so as to preclude any action by the Senate within the time limitation placed on Congress to set aside a drastic reorganization plan. Unless the Senate, as well as the House, unless both bodies adopt a resolution within 60 days, the President's plan would go into effect.

Mr. Speaker, this method is unorthodox and unprecedented. It delegates broad power to the President, enabling him to abolish functions of Government and thereby change the policies of our laws and Government. But it leaves Congress without any effective check on the exercise of that power. It sets up a negative procedure instead of providing that Congress should act affirmatively and directly. And this was, accordingly, the method selected by the New Deal in preference to all the other possible methods I have just explained.

There is, to be sure, a fifth possible method of procedure still less orthodox. That is by simply delegating the power to the President without any check at all, not even a negative one, in the hands of Congress. That was the method the New Deal embodied in the reorganization bill we defeated last Congress. It being apparent that our people will not stand for such procedure, the administration selected the method that would be the nearest thing to the delegation of power without a check by Congress. They have suggested a negative check, to be sure, but have taken pains that it is not particularly effective.

The issue here is not whether we should reorganize the Government. We are face to face with a deadly bureaucracy. Not a single Member on this floor questions the need for elimination and consolidation of useless bureaus and agencies. We desire economy in Government, for we are rapidly approaching national bankruptcy.

But, Mr. Speaker, in setting ourselves to that task it is not necessary that we depart from the established principles of our form of government. The strength of our democracy has always been the system of checks and balances, and it is our responsibility to preserve that system. Any delegation of legislative power must be carefully curbed. It is a precaution that should be one of our first considerations, particularly in this day when democracy is made the subject of internal and external attacks. We must recognize potential dangers to the rights and liberties of our people. No one of us can look into the future to determine what tomorrow may produce, what precedent we may establish today will constitute the very instrument employed in a future day to destroy the very foundations of this democracy.

I do not know why the administration continues to insist upon our adopting the most unorthodox method it can find to accomplish a very desirable purpose. I just cannot understand why it should object to the method embodied in the Byrd bill for realizing Government reorganization in the interest of economy by a method that recognizes the system of checks and balances of our form of government. Why is affirmative approval by Congress of an Executive order too much to require before it goes into effect? Why is it necessary to provide that the order, regardless of how far-reaching it may be, will go into effect unless both the House and Senate set it aside?

Mr. Speaker, there is one thing I insist upon and that is that we do not undermine our democracy. And this bill is another step in that direction against which I feel compelled to raise my voice in behalf of the people I represent. I can approve the Byrd bill, but I cannot approve the Warren-Cochran bill, which follows the New Deal philosophy of delegating unlimited powers to the Executive with no effective check remaining in Congress. [Applause.]

THE SPEAKER. Under the special order of the House heretofore entered, the gentleman from Wyoming [Mr. HORTON] is entitled to be recognized for 5 minutes.

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a resolution passed by the Legislature of the State of Wyoming.

The SPEAKER. Without objection, it is so ordered. There was no objection.

REPEAL OF SIXTEENTH AMENDMENT

Mr. HORTON. Mr. Speaker, I hold in my hand a house joint memorial which was passed, almost unanimously, a few days ago, by the legislature of my home State, Wyoming, in which they go on record as favoring the repeal of the sixteenth amendment, and of placing a constitutional limitation of 25 percent on income and death taxes, which can be levied and collected by the Federal Government. I believe, Mr. Speaker, that Wyoming is the first State to take this significant step, and is therefore worthy of comment.

Since Wyoming has no State income tax, and no large income that could, by the wildest stretch of the imagination, come within a mile of the higher brackets, certainly no selfish reasons can explain why this action was taken. We will have to look for other reasons.

Wyoming, until a few years ago at least, believed that the world owed no man a living, but rather an opportunity to work and earn a living, and the great majority of our citizenry, including hundreds on relief, still believe this. Certainly we always have and do believe that a man has the right to keep as his own a fair and equitable part of his earnings to take care of his family, to educate his children, and to provide for their welfare after he has gone. We so truthfully believe these things that we want them safeguarded again under our Constitution, hence this memorial.

If, as individuals, we claim these privileges, then in all fairness we cannot withhold them from legitimate enterprise. Especially since to do otherwise is pennywise and pound foolish for the very good reason that our own economic history proves that taxes above 25 percent not only slow up industry, but slow up the flow of tax moneys into the Treasury as well.

The unlimited power to tax is the power to destroy. I know, and so do you, of more than one instance when the unexpected and sudden death of a man, who had built up his own great legitimate business, accompanied by the imposition of an unfair and unjust death tax, made necessary the sacrifice of his entire life's work and left his family almost destitute. That, in itself, is bad enough, but even worse is the fact that in practically every instance of this kind the property went for a song into the hands of those who are ever looking for something for nothing. It does not take a drastic death tax to bring about such a situation, like instances occur daily because excessive taxes weaken industrial structures, making them easy prey for the same interests.

There is one other thing that I want to speak of in connection with taxes and that is the expense and grief that individuals and industries are put to in filling out information blanks demanded by Government departments.

If the Government must have all of this information, why should not the Government pay the cost? If the Government had to pay the bill, then perhaps it would discover that many reports could be dispensed with. The Government will soon get its share of grief, however, if it insists on imposing an income tax on farm labor under guise of social security and tries to compel farmers to fill out Social Security forms.

While we are talking about blanks and forms I want to call your attention to F. C. C. Forms 705 and 706, and in doing so I am not digressing too far from the question of taxes because this sort of thing piles up tax costs. This form was sent to me by one of the small broadcasting companies in my State, and despite the fact that they were told by the F. C. C. that "it wouldn't take more than an hour's work to fill out this financial report," two men were kept busy 2 days in order to get the necessary information. Not only that, but this report followed closely on the heels of their "twice-yearly" license application for renewal. This is

a serious matter and is deserving of early attention by Congress. There is one broadcasting company that I do not believe has filled out this report, and that is the Federal Government. I think that it should, and I am interested in a report showing its activities. As a matter of fact this Congress should provide for an exhaustive investigation into the activities of the F. C. C. in its relation to radio.

We thoroughly believe that taxes should be levied according to ability to pay. At the same time, we know that excessive surtaxes, such as are in effect today, not only deprive the Government of maximum tax receipts but close factories and cause unemployment. In doing this it deprives the Nation of creative and wealth-producing brains. Even a Fascist state makes use of executive and creative ability by putting it to work, while under our present system they are subject to enforced idleness.

Wild Federal spending will continue and real prosperity be delayed until such time as the people in this country fully realize just whose dollar it is that is being spent. When we come to realize that they are our dollars—not your dollars—then we will stop wild spending, and not before.

I think that my people must have come to the realization of whose dollar it is, and if they have they realize that perhaps they have gone too far in matching, on a 50-50 basis, Federal dollars for a great number of things. If our dollar is our dollar and your dollar is your dollar, then we are going to do without a lot of things that have been heretofore deemed necessary. Since I have been in this Congress more than once a fellow Member has said, "Wyoming is not entitled to any of this Federal money because Wyoming has not contributed any." While this is not true, still it is certain that we have not contributed anywhere near as much as many States.

Why? One reason might be because all of your eastern States own and control and have developed not only your surface rights but your mineral rights as well, while many of the western States own and control less than one-half of the surface of the lands within their border, while the minerals under most lands, they own not at all.

If we are to repeal the sixteenth amendment and largely go on our own as States, we must all start on an even basis in order to make it work out, not only all lands and remaining minerals must belong to the States but the millions of dollars from the deposits in these States, which are our birthright, must be returned to the State. Only by such an action can the so-called public-land States ever be as self-sufficient as other States and take their rightful place in the sisterhood of States.

Before condemning such a stand please recall the President's recent message in which he pointed out that more than 20 percent of the total acreage of the United States belonged to the Federal Government. Take a look at the report of the President's real estate board where perhaps you will learn for the first time that your State is listed as a public-land State and that therefore your State is as virtually interested as is mine.

House Joint Memorial 4

Joint memorial memorializing the Congress of the United States of America to amend the Constitution of the United States, relative to taxes on incomes, gifts, and inheritances; and providing limitations on taxes so levied; and repealing the sixteenth amendment to the Constitution of the United States

Whereas there is now pending or will be pending in the current session of the Congress of the United States of America, proposed legislation to repeal the sixteenth amendment to the Constitution of the United States, and to amend the Constitution of the United States relative to taxes on incomes, gifts, and inheritances; providing for a limitation of taxes thereon; that the people of the State of Wyoming are greatly interested in the passage of this said amendment: Now, therefore, be it

Resolved by the House of Representatives of the State of Wyoming (the senate concurring), That the Congress of the United States be memorialized as follows: That application be, and it hereby is, made to the Congress of the United States of America to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

"ARTICLE —

"SECTION 1. The sixteenth amendment to the Constitution of the United States is hereby repealed.

"SEC. 2. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration; provided that in no case shall the maximum rate of tax exceed 25 percent.

"SEC. 3. The maximum rate of any tax, duty, or excise which Congress may lay and collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of death, or by way of gift, shall in no case exceed 25 percent.

"SEC. 4. Sections 1 and 2 shall take effect at midnight on the 31st day of December, following the ratification of this article."

Be it further

Resolved, That the Congress of the United States be, and it hereby is, requested to provide as the mode of ratification that said amendment shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by the legislatures of three-fourths of the several States; and be it finally

Resolved, That the secretary of state be, and he hereby is, directed to send a duly certified copy of this resolution to the Senate of the United States and one to the House of Representatives in the Congress of the United States.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 660. An act to amend the Agricultural Adjustment Act of 1938, as amended, to provide for the reapportionment of cotton acreage allotments not planted by farmers entitled thereto.

ADJOURNMENT

Mr. COCHRAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 46 minutes p. m.) the House adjourned until tomorrow, Thursday, March 9, 1939, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON WAYS AND MEANS

Public hearings will continue Thursday morning, March 9, 1939, at 10 a. m., on social-security legislation in the Ways and Means Committee room in the New House Office Building.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Thursday, March 9, 1939. Business to be considered: Railroad legislation—H. R. 2531.

There will be a meeting of the wool subcommittee of the Committee on Interstate and Foreign Commerce at 2 p. m., Thursday, March 9, 1939. Business to be considered: Opposition to wool labeling bill, H. R. 944.

COMMITTEE ON NAVAL AFFAIRS

There will be a meeting of the Committee on Naval Affairs Thursday morning, March 9, 1939, at 10:30 a. m., for the consideration of H. R. 2878, to authorize the Secretary of the Navy to proceed with the construction of certain public works.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Friday, March 10, 1939, at 10:30 a. m., to continue hearings on H. R. 3222 and H. R. 3223, bills for the completion of the construction of the Atlantic-Gulf Ship Canal across Florida.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold public hearings in room 219, House Office Building, Washington, D. C., at 10 a. m. Thursday, March 9, 1939, on the bill (H. R. 4307) to extend the provisions of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to all common carriers by water in interstate commerce, and for other purposes.

The Committee on Merchant Marine and Fisheries will hold public hearings in room 219, House Office Building, Washington, D. C., at 10 a. m., on the bills and dates listed below:

Tuesday, March 14, 1939:

H. R. 180, H. R. 202, construction of a Nicaraguan Canal; H. R. 201, additional facilities for Panama Canal; H. R. 2667, construction of a Mexican Canal.

In listing the bills to be heard on March 14, 1939, House Joint Resolution 112 (TINKHAM), to create a commission to study and report on the feasibility of constructing the Mexican Canal, was inadvertently omitted from the notice.

This is to advise all interested parties that House Joint Resolution 112 will be considered at that time with the following bills: H. R. 180 (IZAC), relative to the construction of a Nicaraguan Canal; H. R. 202 (BLAND), relative to the construction of a Nicaraguan Canal; H. R. 201 (BLAND), need for additional lock facilities at Panama; H. R. 2667 (TINKHAM), relative to the construction of a Mexican Canal.

Tuesday, March 21, 1939:

H. R. 137, H. R. 980, H. R. 1674, relating to annuities for Panama Canal construction force.

Thursday, March 23, 1939:

H. R. 141, H. R. 142, H. R. 1819, miscellaneous Panama Canal bills.

Tuesday, March 28, 1939:

H. R. 197, relating to the clearance of vessels; H. R. 199, relating to the allotment of wages by seamen; H. R. 200, relating to foreign towboats towing between American ports; H. R. 1780, relating to penalties on certain undocumented vessels and cargoes engaging in the coastwise trade or the fisheries; H. R. 1782, relating to change of masters of vessels.

Wednesday, March 29, 1939:

H. R. 198, relating to the measurement of vessels; and H. R. 132, authorizing the use of condemned Government vessels for breakwater purposes.

Tuesday, April 4, 1939:

H. R. 3209, making it a misdemeanor to stow away on vessels; H. R. 3398, regarding the down payment of construction of new vessels; H. R. 3935, relating to the discharge of seamen.

Wednesday, April 5, 1939:

H. R. 3052, uniform insignia for Naval Reserve radio operators.

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Wednesday, March 15, 1939, at 10 a. m., in room 328, House Office Building, to consider H. R. 3794, to establish John Muir-Kings Canyon National Park, Calif., to transfer thereto the lands now included in the General Grant National Park, and for other purposes.

There will be a meeting of the Committee on the Public Lands on Thursday, March 23, 1939, at 10 a. m., in room 328, House Office Building, to consider H. R. 3759, to authorize a National Mississippi River Parkway and matters relating thereto.

COMMITTEE ON THE JUDICIARY

Beginning at 10 a. m. on Wednesday, March 22, 1939, there will be a hearing held before the subcommittee No. 4 of the Committee on the Judiciary on House Joint Resolution 176, declaring the conservation of petroleum deposits underlying submerged lands adjacent to and along the coast of California, below low-water mark and under the territorial waters of the United States of America, essential for national defense, maintenance of the Navy, and regulation and protection of interstate and foreign commerce; reserving the same as a naval petroleum reserve, subject to any superior vested right, title, or interest; and authorizing appropriate judicial proceedings to assert, ascertain, establish, and maintain the right and interest of the United States of America in such reserve and to eject trespassers.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

497. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the Department of Agriculture in the sum of \$460,000, for the fiscal year 1940 (H. Doc. No. 201); to the Committee on Appropriations and ordered to be printed.

498. A communication from the President of the United States, transmitting a supplemental estimate of appropria-

tion for the War Department, in the amount of \$25,000, for the fiscal year ending June 30, 1939, to remain available until expended, to aid in providing a permanent mooring for the battleship *Oregon* (H. Doc. No. 202); to the Committee on Appropriations and ordered to be printed.

499. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the fiscal year 1939, to remain available until June 30, 1940, amounting to \$100,000 for the Department of Justice (H. Doc. No. 200); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. TAYLOR of Colorado: Committee on Appropriations. H. R. 4852. A bill making appropriations for the Department of the Interior for the fiscal year ending June 30, 1940, and for other purposes; without amendment (Rept. No. 161). Referred to the Committee of the Whole House on the state of the Union.

Mr. BROWN of Ohio: Committee on Interstate and Foreign Commerce. H. R. 3225. A bill authorizing the Department of Highways of the State of Ohio to construct, maintain, and operate a free highway bridge across the Ottawa River at or near the city of Toledo, State of Ohio; without amendment (Rept. No. 163). Referred to the House Calendar.

Mr. CROSSER: Committee on Interstate and Foreign Commerce. H. R. 3375. A bill to authorize M. H. Gildow to construct a free, movable, pontoon footbridge across Muskingum River Canal, at or near Beverly, Ohio; without amendment (Rept. 164). Referred to the House Calendar.

Mr. PEARSON: Committee on Interstate and Foreign Commerce. H. R. 3418. A bill granting the consent of Congress to the Highway Department of Davidson County, of the State of Tennessee, to construct a bridge across Cumberland River at a point approximately 1¾ miles below Clees Ferry, connecting a belt-line highway in Davidson County, State of Tennessee, known as the Old Hickory Boulevard; without amendment (Rept. No. 165). Referred to the House Calendar.

Mr. BULWINKLE: Committee on Interstate and Foreign Commerce. H. R. 3589. A bill granting the consent of Congress to the State Highway Commission of North Carolina to construct, maintain, and operate a free highway bridge across Waccamaw River between Old Dock and Ash, N. C.; without amendment (Rept. No. 166). Referred to the House Calendar.

Mr. KING: Committee on Immigration and Naturalization. H. R. 4167. A bill to extend further time for naturalization of alien veterans of ineligible race who served in the armed forces of the United States during the World War; without amendment (Rept. No. 177). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 113. Resolution authorizing an investigation of the milk industry in the District of Columbia; without amendment (Rept. No. 180). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. THOMAS of New Jersey: Committee on Claims. H. R. 875. A bill for the relief of Okie May Fegley; with amendment (Rept. No. 167). Referred to the Committee of the Whole House.

Mr. POAGE: Committee on Claims. H. R. 2072. A bill for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department; without amendment (Rept. No. 168). Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. H. R. 2104. A bill for the relief of James A. Mills; with amendment (Rept. No. 169). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 3077. A bill for the relief of Adam Casper; with amendment (Rept. No. 170). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. S. 13. An act for the relief of John Mulhern; without amendment (Rept. No. 171). Referred to the Committee of the Whole House.

Mr. RAMSPECK: Committee on Claims. S. 60. An act for the relief of Dierks Lumber & Coal Co.; without amendment (Rept. No. 172). Referred to the Committee of the Whole House.

Mr. FENTON: Committee on Claims. S. 545. An act for the relief of George H. Pierce and Evelyn Pierce; with amendment (Rept. No. 173). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. S. 584. An act for the relief of John R. Holt; without amendment (Rept. No. 174). Referred to the Committee of the Whole House.

Mr. RAMSPECK: Committee on Claims. S. 885. An act to authorize and direct the Comptroller General of the United States to allow credit for all outstanding disallowances and suspensions in the accounts of the disbursing officers or agents of the Government for payments made to certain employees appointed by the United States Employees' Compensation Commission; without amendment (Rept. No. 175). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. S. 1115. An act for the relief of Lt. Malcolm A. Hufty, United States Navy; without amendment (Rept. No. 176). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. BLOOM: Committee on Foreign Affairs. House Resolution 107. Resolution requesting the President of the United States to transmit to the House of Representatives all data in regard to the seizure of certain American property in Mexico (Rept. No. 162). Laid on the table.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 1514) granting an increase of pension to Thomas G. Pardue, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PATMAN:

H. R. 4851 (by request). A bill to provide more adequate credit facilities for independent small business, to encourage the return of private capital to commercial investment channels, to discourage monopoly, and restore opportunity for the individual; to the Committee on Banking and Currency.

By Mr. TAYLOR of Colorado:

H. R. 4852. A bill making appropriations for the Department of the Interior for the fiscal year ending June 30, 1940, and for other purposes; to the Committee on Appropriations.

By Mr. BRADLEY of Michigan:

H. R. 4853. A bill providing for an examination and survey of Au Train River Harbor, Mich.; to the Committee on Rivers and Harbors.

By Mr. LELAND M. FORD:

H. R. 4854. A bill to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees of the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, and May 29, 1930; to the Committee on the Civil Service.

By Mr. PLUMLEY:

H. R. 4855. A bill to authorize the acquisition of land for military purposes at Fort Ethan Allen, Vt.; to the Committee on Military Affairs.

By Mr. TENEROWICZ:

H. R. 4856. A bill to provide additional home-mortgage relief by providing for reducing the rate of interest and extending payment and amortization of mortgages; to the Committee on Banking and Currency.

By Mr. VOORHIS of California:

H. R. 4857. A bill to provide more adequate credit facilities for independent small business, to encourage the return of private capital to commercial investment channels, to discourage monopoly, and restore opportunity for the individual; to the Committee on Banking and Currency.

By Mr. ALLEN of Pennsylvania:

H. R. 4858. A bill for the establishment of a system of regional industrial banks, so as to furnish additional credit and capital facilities for business purposes; to the Committee on Banking and Currency.

By Mr. DEMPSEY:

H. R. 4859. A bill to prohibit military drilling by individuals wearing uniforms or insignia of, or similar to those of, foreign countries; to the Committee on Military Affairs.

H. R. 4860. A bill to amend existing law so as to provide for the exclusion and deportation of aliens who advocate the making of fundamental changes in the American form of government; to the Committee on Immigration and Naturalization.

By Mr. GARRETT:

H. R. 4861. A bill for the relief of officers who failed to file application for benefits within the time limit fixed by the act of May 24, 1928; to the Committee on World War Veterans' Legislation.

By Mr. LEA:

H. R. 4862. A bill to amend the Interstate Commerce Act, as amended, by extending its application to additional types of carriers and transportation, modifying certain provisions thereof, and creating and establishing a Transportation Board to administer certain provisions thereof, to create a Reorganization Court, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT:

H. R. 4863. A bill to exempt from the tax on admissions certain fees collected in the national parks and monuments; to the Committee on Ways and Means.

By Mr. SMITH of Washington:

H. R. 4864. A bill prohibiting the use of funds, granted or lent by the United States, for the purchase of materials which are not of domestic origin, and for other purposes; to the Committee on Ways and Means.

By Mr. STEAGALL:

H. R. 4865. A bill amending section 12B of the Federal Reserve Act to increase insurance protection to each depositor in an insured bank; to the Committee on Banking and Currency.

By Mr. VOORHIS of California:

H. R. 4866. A bill to provide for a statutory award of \$10 per month to any war veteran who was wounded, gassed, injured, or disabled by an instrumentality of war in a zone of hostilities, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. BLAND:

H. R. 4867. A bill for preliminary examination and survey of Browns Bay, Va.; to the Committee on Rivers and Harbors.

By Mr. MAGNUSON:

H. R. 4868. A bill to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes; to the Committee on the Territories.

By Mr. FLANNAGAN:

H. R. 4869. A bill to authorize a preliminary examination and survey of the North Fork of the Clinch River and its tributaries in the States of Virginia and Tennessee for flood

control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. COCHRAN:

H. R. 4870. A bill to authorize the Secretary of the Treasury to make and carry out agreements of indemnity to banks paying him moneys to cover checks or drafts issued by such banks payable to the United States or an agency or officer thereof which have been or may be lost or destroyed; to the Committee on Expenditures in the Executive Departments.

By Mr. DALY:

H. R. 4871. A bill to amend an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, and for other purposes; to the Committee on Patents.

By Mr. LUDLOW:

H. R. 4872. A bill to establish the Benjamin Harrison Commission to formulate plans for the construction of a permanent memorial to the memory of Benjamin Harrison, twenty-third President of the United States; to the Committee on the Library.

By Mr. REES of Kansas:

H. R. 4873. A bill relating to the payment of principal and interest on certain loans made by the Federal land banks and the land bank commissioner; to the Committee on Agriculture.

By Mr. THILL:

H. J. Res. 197. Joint resolution authorizing the President of the United States to proclaim September 17 of each year Baron Frederick William von Steuben's Memorial Day for the observance and commemoration of the birth of Baron Frederick William von Steuben; to the Committee on the Judiciary.

By Mr. KRAMER:

H. J. Res. 198. Joint resolution to provide for the preparation, printing, and distribution of pamphlets containing the proceedings in the House of Representatives on March 4, 1939, in commemoration of the one hundred and fiftieth anniversary of the commencement of the First Congress of the United States; to the Committee on Printing.

By Mr. SABATH:

H. J. Res. 199. Joint resolution making the 13th day of April in each year a legal holiday; to the Committee on the Judiciary.

By Mr. SCHULTE:

H. Res. 116. Resolution to authorize the payment of expenses of investigation and study authorized by House Resolution 115; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ALLEN of Pennsylvania:

H. R. 4874. A bill for the relief of the partnership firm of Albright & Beadling; to the Committee on Claims.

By Mr. BLAND:

H. R. 4875. A bill for the relief of Mamie Hoffman; to the Committee on Claims.

By Mr. BREWSTER:

H. R. 4876. A bill granting an increase of pension to Dora Elizabeth Perry; to the Committee on Invalid Pensions.

By Mr. COLLINS:

H. R. 4877. A bill for the relief of the estate of Vira Stokes Flowers; to the Committee on Claims.

By Mr. DOUGLAS:

H. R. 4878. A bill for the relief of Annie Reiley; to the Committee on Immigration and Naturalization.

By Mr. DOWELL:

H. R. 4879. A bill granting an increase of pension to Josephine Anderson; to the Committee on Invalid Pensions.

By Mr. FLANNAGAN:

H. R. 4880. A bill for the relief of Claude F. Beverly; to the Committee on Claims.

By Mr. GILLIE:

H. R. 4881. A bill for the relief of George G. Waldrop; to the Committee on Military Affairs.

By Mr. LELAND M. FORD:

H. R. 4882. A bill for the relief of Patrick J. Curley; to the Committee on Military Affairs.

H. R. 4883. A bill for the relief of J. H. Bowling; to the Committee on Claims.

By Mr. IZAC:

H. R. 4884. A bill for the relief of Burns T. Nelson; to the Committee on Claims.

By Mr. REECE of Tennessee:

H. R. 4885. A bill to extend the benefits of the Employees' Compensation Act of September 7, 1916, to James N. Harwood; to the Committee on Claims.

By Mr. REES of Kansas:

H. R. 4886. A bill granting a pension to Faye E. Gully; to the Committee on World War Veterans' Legislation.

By Mr. SABATH:

H. R. 4887. A bill for the relief of John Boska; to the Committee on Military Affairs.

By Mr. SCHAFER of Wisconsin:

H. R. 4888. A bill for the relief of Frank Czermak; to the Committee on Military Affairs.

By Mr. THILL:

H. R. 4889. A bill for the relief of Dr. M. Kellogg Mookjee; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Tennessee:

H. R. 4890. A bill granting an increase of pension to Charles E. Wilson; to the Committee on Invalid Pensions.

By Mr. VAN ZANDT:

H. R. 4891. A bill granting an increase of pension to Anna Hamilton; to the Committee on Invalid Pensions.

By Mr. WALLGREN:

H. R. 4892. A bill for the relief of Evelyn Mary Locke; 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:

1622. By Mr. ALLEN of Louisiana: Petition of numerous citizens of Winn Parish, La., urging the passage of House bill 1816, providing a direct Federal old-age pension of \$30 per month, beginning at the age of 60; to the Committee on Ways and Means.

1623. By Mr. ANDREWS: Resolution adopted by the Women's International League of Peace and Freedom, of Buffalo, N. Y., urging strengthening of the Neutrality Act; to the Committee on Foreign Affairs.

1624. Also, resolution adopted by the members of the Townsend Club, of Kenmore, N. Y., favoring enactment of House bill 2; to the Committee on Ways and Means.

1625. By Mr. ASHBROOK: Resolution of Newark Chamber of Commerce, Newark, Ohio, concerning House bill 188, and Senate bills 126, 138, and 158, and any other bills which, if passed, would be harmful to labor, agriculture, and industry in Ohio; to the Committee on Labor.

1626. By Mr. ELSTON: Petition of Rev. H. J. Francis, pastor of Mount Carmel Baptist Church, Cincinnati, Ohio, and 36 parishioners, petitioning consideration of their resolution with reference to churches of America under the Social Security Act; to the Committee on Ways and Means.

1627. By Mr. HALLECK: Petition of members of Townsend Club No. 1, Rochester, Ind., favoring House bill 2; to the Committee on Ways and Means.

1628. By Mr. JOHNSON of Illinois: Petition of 124 endorsers of House bill 3842 and Senate bill 1234, from the Fourteenth Illinois District, urging enactment of this measure; to the Committee on Labor.

1629. By Mr. MARTIN J. KENNEDY: Letter from the president of the Southern Baptist Theological Seminary, Louisville, Ky., expressing the opposition of the southern Baptists to the proposal to include churches and ministers under the extended provisions of the Social Security Act; to the Committee on Ways and Means.

1630. By Mr. KEOGH: Petition of the American Speech Correction Association, Boston, Mass., concerning the Pepper-Boland bill (H. R. 1813); to the Committee on Education.

1631. Also, petition of Belle Glade Chamber of Commerce, Belle Glade, Fla., concerning the sugar situation in the Everglades; to the Committee on Ways and Means.

1632. Also, petition of the Southern Baptist Theological Seminary, Louisville, Ky., regarding the Social Security Act; to the Committee on Ways and Means.

1633. Also, petition of the Teachers Union of the City of New York, New York City, concerning the Federal Aid to Education Act of 1939, House bill 3517 and Senate bill 1305; to the Committee on Education.

1634. By Mr. KRAMER: Resolution of the Huntington Park Lodge, No. 1415, Benevolent and Protective Order of Elks, relative to the adoption of a uniform vehicle code, etc.; to the Committee on Interstate and Foreign Commerce.

1635. Also, resolution of the Board of Supervisors of the County of Los Angeles, State of California, relating to flood-control and water-conservation appropriation, etc.; to the Committee on Flood Control.

1636. By Mr. LANDIS: Petition of the House of Representatives of the General Assembly of Indiana, favoring October 11 of each year as General Pulaski's Memorial Day; to the Committee on the Judiciary.

1637. Also, resolution of the House of Representatives of the General Assembly, State of Indiana, memorializing the Congress of the United States to enact suitable legislation providing for the general welfare of the Nation as set out in House bill 2, now pending before the Congress of these United States; to the Committee on Ways and Means.

1638. By Mr. MOTT: Senate Joint Memorial No. 1, of the Fortieth Legislative Assembly of the State of Oregon, petitioning the Congress of the United States to eliminate certain concessions made to foreign countries on agricultural products and to require, in the event of further trade agreements, that all entries coming into the United States shall be marked as to country of origin and that no exceptions shall be made to this rule; and that in the event of fluctuation of currency values the American producer shall promptly be protected by adjustment of the rates of duty on all commodities affected; and that legislation be passed requiring the ratification of all trade agreements by the Congress of the United States before such trade agreements may go into effect; to the Committee on Foreign Affairs.

1639. By Mr. MURDOCK of Utah: Concurrent resolution of the Legislature of the State of Utah, favoring stabilization of the price of silver and the employment of silver purchases to increase exports of United States products; to the Committee on Coinage, Weights, and Measures.

1640. Also, memorial of the Legislature of the State of Utah, memorializing the Congress of the United States to approve the Harrison-Thomas-Larrabee bill; to the Committee on Education.

1641. By Mr. POLK: Petition of the First Baptist Church of Hillsboro, Ohio, signed by C. B. Gross and 33 other members, opposing the recommendation of the Social Security Advisory Council that all religious bodies be taxed and their employees receive benefits under the Social Security Act, believing that if this change becomes a law it will violate a long-cherished and vital principle, separation of church and state, will endanger religious liberty, involve the church in disputes with the state, and lead to endless trouble and confusion; to the Committee on Ways and Means.

1642. By Mr. REES of Kansas: Petition of Rev. Paul E. Johnson, of Junction City; Rev. John V. Wright, of Idana; Rev. F. R. Parker, of Hope; Rev. E. M. Scott, of Carlton; Ralph A. Craig, of Alta Vista; and other citizens of the State of Kansas; to the Committee on Ways and Means.

1643. By Mr. SCHIFFLER: Petition of Rev. Frederick W. Cropp, Jr., the First Presbyterian Church of Wheeling, W. Va., urging that ministers be excluded from the provisions of the Social Security Act; to the Committee on Ways and Means.

1644. By Mr. SMITH of West Virginia: Resolution of Local Union No. 6107, United Mine Workers of America, of Killarney, W. Va., protesting against the proposed amendments to the Wagner Labor Relations Act; to the Committee on Labor.

1645. Also, resolution adopted by the board of elders of the Montcoal Presbyterian Church of Montcoal, W. Va., protesting against the favoring of exemption of ministers of the gospel from coming under control of the Social Security Act; to the Committee on Ways and Means.

1646. Also, resolution by the Logan County Industrial Union Council of Logan, W. Va., protesting against any amendments to the Wagner Labor Relations Act; to the Committee on Labor.

SENATE

THURSDAY, MARCH 9, 1939

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

Almighty and everlasting God, who hatest nothing that Thou hast made and dost forgive the sins of all those who are penitent: Create and make in us new and contrite hearts, that we, worthily lamenting our sins and acknowledging our wretchedness, may obtain of Thee, the God of all mercy, perfect remission and forgiveness. And, O God, who seest that we have no power of ourselves to help ourselves, keep us both outwardly in our bodies and inwardly in our souls, that we may be defended from all adversities which may happen to the body and from all evil thoughts which may assault and hurt the soul. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 8, 1939, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Hess, 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 passed a bill (H. R. 4425) to provide for reorganizing agencies of the Government, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 660) to amend the Agricultural Adjustment Act of 1938, as amended, to provide for the reapportionment of cotton acreage allotments not planted by farmers entitled thereto, and it was signed by the Vice President.

NEUTRALITY—NOTICE OF ADDRESS BY SENATOR LEWIS

Mr. LEWIS. Mr. President, I beg at this moment to give notice that on Monday next, immediately following the morning hour, at such time as may not unduly inconvenience the Senate, I shall address the Senate in support of the bill which I tendered yesterday repealing the neutrality law, which bill was referred to the Committee on Foreign Relations.

ASSISTANT TO THE SURGEON GENERAL

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for the detail of a commissioned medical officer of the Public Health Service to serve as assistant to the Surgeon General, which, with the accompanying paper, was referred to the Committee on Finance.

ARMY AIRWAYS RADIO TRANSMITTER STATION

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, stating that, pursuant to law, the Department of the Interior had transferred to the War Department 1.03 acres of the lands belonging to St. Elizabeths Hospital in the District of Columbia for the site of an Army airways radio transmitter station, which was referred to the Committee on the District of Columbia.

YELLOWSTONE BASIN COMPACT

The VICE PRESIDENT laid before the Senate a letter from Clyde L. Seavey, representative of the United States in connection with the Yellowstone Basin compact, reporting relative to the progress made pursuant to an act of Congress approved August 2, 1937 (50 Stat. 551), granting consent of the Congress to the States of Montana and Wyoming to negotiate and enter into a compact or agreement for an equitable division and apportionment of the waters of the Yellowstone River, and making recommendation in the premises, which, with the accompanying report, was referred to the Committee on Indian Affairs.

DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate letters from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of the Treasury, the Navy, the Interior, and Agriculture, United States Civil Service Commission, Veterans' Administration, and the former United States Coal Commission, which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, were referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. GIBSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

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

Concurrent resolution favoring the construction of a canal across the State of New Jersey

Whereas there exists a modern system of inside waterways along the Atlantic coast from Florida to New England and thence to the Great Lakes, with the exception of through the State of New Jersey; and

Whereas in order to complete such system it is necessary that a canal be constructed across this State, which canal would provide, at the same time, adequate communication by water between the ports and navy yards at New York and Philadelphia and would be of inestimable value in our scheme of national defense: Therefore be it

Resolved by the Senate of the State of New Jersey (the house of assembly concurring). That the State of New Jersey hereby reaffirms its long-continued endorsement of an adequate ship canal across this State, memorializing his Excellency, the President of the United States and Commander in Chief of the Army and Navy, and the United States Senators and Congressmen from this State, to cooperate in the acceleration of the construction of such canal; and be it further

Resolved. That the secretary of the senate forward certified copies of this resolution to His Excellency the President of the United States and to the United States Senators and Congressmen from New Jersey.

The VICE PRESIDENT also laid before the Senate the following resolution of the House of Assembly of New Jersey, which was referred to the Committee on Finance:

Resolution memorializing the Congress of the United States to adjust and regulate the collection of income taxes

Whereas the sixteenth amendment to the Federal Constitution gives to the Congress the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the States, and without regard to any census or enumeration; and

Whereas the Congress has enacted appropriate legislation to enforce the amendment and has enacted an income-tax statute which in many instances works inequitably, resulting in hardships to citizens and corporations; and

Whereas in order that business may be encouraged and promoted: Therefore be it

Resolved by the house of assembly. That the Congress of the United States is hereby memorialized and requested to provide by proper amendment that in no case shall income taxes levied exceed 25 percent of the total of such income; and be it further

Resolved. That copies of this resolution, signed by the speaker and attested to by the clerk, be transmitted to the Senate and House of Representatives of the United States and to the Senators and Members of Congress from New Jersey in the Senate and House of Representatives.

This resolution shall take effect immediately.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of New