By Mr. RANDOLPH:

H. R. 7487. A bill to provide for the promotion of the welfare of displaced labor in relation to the economic effects flowing from scientific and technological developments; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ANDREWS:

H. R. 7488. A bill granting an increase of pension to Anna M. Lewis; to the Committee on Invalid Pensions.

By Mr. BARRY:

H. R. 7489. A bill for the relief of Frederick P. Sell; to the Committee on Claims.

H. R. 7490. A bill for the relief of Florence Conjard; to the Committee on Claims.

By Mr. FAY:

H. R. 7491. A bill for the relief of the alien, James Neohoritis; to the Committee on Immigration and Naturalization.

By Mr. KENNEDY of Maryland:

H. R. 7492. A bill for the relief of J. Frank Kuner, private, uniformed force, United States Secret Service; to the Committee on Claims.

H. R. 7493. A bill for the relief of Roy F. Lassly, former acting chief disbursing clerk, Department of the Interior; to the Committee on Claims.

By Mr. KING:

H. R. 7494. A bill for the relief of Robert William Holt; to the Committee on Claims.

H. R. 7495. A bill for the relief of Gloria D. Downing; to the Committee on Immigration and Naturalization.

By Mr. LESINSKI:

H. R. 7496. A bill for the relief of Joseph B. Rupinski and Maria Zofia Rupinski; to the Committee on Immigration and Naturalization.

By Mr. MARTIN of Iowa:

H. R. 7497. A bill granting an increase of pension to Abigail Daughrity; to the Committee on Pensions.

By Mr. MILLER:

H. R. 7498. A bill to provide for the presentation of a medal to Cynthia Chapin in recognition of her valor in saving the lives of 33 of her fellow citizens; to the Committee on the Library.

By Mrs. O'DAY:

H. R. 7499. A bill for the relief of Juda Hersch Katz; to the Committee on Immigration and Naturalization.

By Mr. PETERSON of Florida:

H. R. 7500. A bill for the relief of W. P. Richardson; to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

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

5209. By Mr. HARTER of New York: Petition of 30 citizens of the Forty-first District of New York, opposing the closing of the nursery-school project in Buffalo; to the Committee on Appropriations.

5210. By Mr. MERRITT: Resolution of the Queens County committee of the American Legion, New York, urging the passage by Congress of the bill now pending to establish a 2-cent first-class mail rate throughout the county of Queens; to the Committee on the Post Office and Post Roads.

5211. By Mr. PFEIFER: Petition of N. V. Noyes, commissioner of agriculture, Albany, N. Y., urging passage of Senate bill 2212; to the Committee on Appropriations.

5212. Also, petition of the Laundry Workers Joint Board of Greater New York, concerning the Fair Labor Standards Act; to the Committee on Labor.

5213. Also, petition of James A. Urich, executive director, American Federation of Housing Authorities, Washington, D. C., urging favorable action on Senate bill 591; to the Committee on Banking and Currency.

5214. By Mr. VOORHIS of California: Petition of Earl A. Brown, of Pomona, Calif., and 227 other Work Projects Administration workers of the Twelfth Congressional District to the Congress of the United States, asking for the repeal of the wage-reduction provisions and the 30-day furlough for all workers employed 18 months, and petition against any further reduction in hourly rates; to the Committee on Appropriations.

SENATE

FRIDAY, AUGUST 4, 1939

(Legislative day of Wednesday, August 2, 1939)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Reverend Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O Thou who are the light of the minds that know Thee, the life of the souls that love Thee, and the strength of the wills that serve Thee: Help us so to know Thee that we may truly love Thee, so to love Thee that we may fully serve Thee, whom to serve is perfect freedom. 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 the calendar day, Thursday, August 3, 1939, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

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	Davis	Lucas	Sheppard
Andrews	Downey	Lundeen	Shipstead
Austin	Ellender	McCarran	Smith
Bailey	George	McKellar	Stewart
Bankhead	Gerry	Maloney	Taft
Barkley	Gibson	Mead	Thomas, Okla.
Borah	Gurney	Miller	Thomas, Utah
Bridges	Hale	Minton	Tobey
Brown	Harrison	Murray	Townsend
Bulow	Hatch	Neely	Truman
Burke	Hayden	Nye	Tydings
Byrd	Herring	O'Mahoney	Vandenberg
Byrnes	Holt	Pepper	Van Nuys
Capper	Johnson, Calif.	Pittman	Wagner
Chavez	Johnson, Colo.	Radcliffe	Walsh
Clark, Idaho	King	Reed	Wheeler
Clark, Mo.	La Follette	Russell	White
Connally	Lee	Schwartz	
Danaher	Lodge	Schwellenbach	

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Washington [Mr. BONE], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Iowa [Mr. GILLETTE], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Alabama [Mr. HILL], the Senator from Delaware [Mr. HUGHES], the Senator from Illinois [Mr. SLATTERY], and the Senator from New Jersey [Mr. SMATHERS] are absent on important public business.

The Senator from Ohio [Mr. DONAHEY], the Senator from Virginia [Mr. GLASS], the Senator from Kentucky [Mr. LOGAN], the Senator from Louisiana [Mr. OVERTON], and the Senator from North Carolina [Mr. REYNOLDS] are unavoidably detained.

The VICE PRESIDENT. Seventy-four Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 875) for the relief of Okie May Fegley.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6446. An act amending section 4 of the act entitled "An act to authorize the city of Pierre, S. Dak., to construct, equip, maintain, and operate on Farm Island, S. Dak., certain amusement and recreational facilities; to charge for the use thereof; and for other purposes";

H. R. 6480. An act to amend the Agricultural Adjustment Act of 1933; and

H. R. 6668. An act to grant the State of North Carolina a right-of-way for the Blue Ridge Parkway across the Cherokee Indian Reservation in North Carolina, to provide for the payment of just compensation for said right-of-way, and for other purposes.

SUPPLEMENTAL ESTIMATE, THE PANAMA CANAL (S. DOC. NO. 122)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Panama Canal, for the construction of additional lock and other facilities for the improvement and enlargement of the capacity of the Canal, fiscal year 1940, amounting to $15,000,000, which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

SUPPLEMENTAL ESTIMATE, GOVERNMENT IN THE TERRITORIES (S. DOC. NO. 123)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Department of the Interior, fiscal year 1940, for defraying the deficits in the treasuries of the municipal governments, Virgin Islands, amounting to $70,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE, CLAIMS OF AMERICAN NATIONALS AGAINST UNION OF SOVIET SOCIALIST REPUBLICS, 1940 (S. DOC. NO. 124)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the State Department, adjustment of claims of American Nationals against the Government of the Union of Soviet Socialist Republics, 1940, amounting to $19,400, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

WATER-POWER PLANTS

The VICE PRESIDENT laid before the Senate a letter from the Acting Chairman of the Federal Power Commission, transmitting, in response to Senate Resolution 164, a report showing the installed capacity, ownership, and kilowatt-hour output for the calendar year 1938, where available, for all water-power plants in the United States having an installed capacity of 100 horsepower or more, together with a list of the 200 largest water-power plants in the United States, which, with the accompanying papers, was referred to the Committee on Commerce and ordered to be printed under the terms of Senate Resolution 164.

PETITION

Mr. WALSH presented the following resolution of the Senate of the Commonwealth of Massachusetts, which was referred to the Committee on Foreign Relations:

Whereas there is pending in the Congress of the United States a bill providing for the presentation to Eire of a statue of Commodore John Barry, known as The Father of the United States Navy: Therefore, be it

Resolved, That the Senate of the Commonwealth of Massachusetts records itself in favor of said bill and respectfully urges the Congress of the United States to enact the same into law: And be it further

Resolved, That the Secretary of the Commonwealth send a copy of these resolutions to the presiding officers of both branches of the Congress and to each Member thereof from this Commonwealth.

REPORTS OF COMMITTEES

Mr. TOBEY, from the Committee on Claims, to which was referred the bill (H. R. 7050) for the relief of certain former disbursing officers for the Civil Works Administration, reported it without amendment and submitted a report (No. 1140) thereon.

Mr. BROWN, from the Committee on Claims, to which was referred the bill (H. R. 6099) for the relief of Mrs. S. F. Sewell, reported it without amendment and submitted a report (No. 1141) thereon.

Mr. SCHWELLENBACH, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 377. A bill to amend the act entitled "An act for the relief of Harry Bryan and Alda Duffield Mullins, and others";

H. R. 3087. A bill for the relief of Gdynia America Line, Inc., of New York City, N. Y. (Rept. No. 1142);

H. R. 3363. A bill for the relief of the American Insurance Co. of New Jersey (Rept. No. 1143);

H. R. 3912. A bill for the relief of the heirs of John Cauley, deceased (Rept. No. 1144);

H. R. 4813. A bill for the relief of the estates of Marie R. Morkovsky and Alphons Morkovsky, both deceased (Rept. No. 1145); and

H. R. 5369. A bill for the relief of Maj. Noe C. Killian (Rept. No. 1146).

Mr. BURKE, from the Committee on Claims, to which was referred the bill (H. R. 3051) for the relief of certain workers performing emergency work at Cairo, Ill., in the Ohio River flood of 1937, reported it without amendment and submitted a report (No. 1147) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (S. 1450) to provide funds for cooperation with school district No. 13, Froid, Mont., for extension of public-school buildings to be available to Indian children, reported it without amendment and submitted a report (No. 1148) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 2523) to provide for the construction, extension, equipment, and improvement of public-school facilities at McCurtain, Okla., Haskell County, reported it without amendment and submitted a report (No. 1149) thereon.

He also, from the same committee, to which was referred the bill (S. 1671) to provide for the construction, extension, and improvement of public-school buildings in Uintah County, Utah, reported it with an amendment and submitted a report (No. 1150) thereon.

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the joint resolution (S. J. Res. 182) to amend Public Resolution No. 112, Seventy-fifth Congress, reported it without amendment.

He also, from the same committee, to which was referred the resolution (S. Res. 180) continuing the Special Committee on Investigation of Unemployment and Relief and increasing the limit of expenditures (submitted by Mr. BYRNES on the 3d instant) reported it without amendment.

NATIONAL HEALTH PROGRAM (S. REPT. NO. 1139)

Mr. MURRAY, from the Committee on Education and Labor, submitted a preliminary report on the bill (S. 1620) to provide for the general welfare by enabling the several States to make more adequate provision for public health, prevention and control of disease, maternal and child-health services, construction and maintenance of needed hospitals and health centers, care of the sick, disability insurance, and training of personnel; to amend the Social Security Act; and for other purposes, which was ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. TRUMAN (for Mrs. CARAWAY), from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills and joint resolution:

On August 3, 1939:

S. 28. An act to provide for the erection of a public historical museum in the Custer Battlefield National Cemetery, Mont.;

S. 808. An act for the relief of Calliope Minaca Pilavakis;

S. 1258. An act for the relief of the Rent-A-Car Co.;

S. 1954. An act for the relief of Joannes Josephus Citron;

S. 2410. An act relating to the development of farm units on public lands under Federal reclamation projects with funds furnished by the Farm Security Administration;

S. 2562. An act to facilitate certain construction work for the Army, and for other purposes; and

S. J. Res. 176. Joint resolution providing for participation by the United States in the celebration to be held at Fort McHenry on September 14, 1939, in celebration of the one hundred and twenty-fifth anniversary of the writing of The Star-Spangled Banner.

On August 4, 1939:

S. 6. An act to return a portion of the Grand Canyon National Monument to the public domain;

S. 474. An act to amend section 92 of the Judicial Code to provide for a term of court at Kalispell, Mont., and, subject to the recommendation of the Attorney General of the United States, to permit the provision of rooms and accommodations for holding court at Livingston and Kalispell, Mont.;

S. 809. An act for the relief of Jessie M. Durst;

S. 839. An act to amend the Retirement Act of April 23, 1904;

S. 891. An act for the relief of J. C. Grice;

S. 1092. An act for the relief of Sigvard C. Foro;

S. 1394. An act for the relief of Johannes or John, Julia, Michael, William, and Anna Kostiuk;

S. 1429. An act for the relief of Earl J. Reed and Giles J. Gentry;

S. 1816. An act for the relief of Montie S. Carlisle;

S. 1821. An act for the relief of Harry K. Snyder;

S. 1905. An act for the relief of Elizabeth E. Burke;

S. 2056. An act for the relief of N. F. Clower and Elijah Williams; and

S. 2408. An act for the relief of Russell B. Hendrix.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. THOMAS of Oklahoma:

S. 2957. A bill granting a pension to Caroline Danforth (with accompanying papers); to the Committee on Pensions.

By Mr. MEAD:

S. 2958. A bill to provide for establishing five regional agricultural research centers, for investigations and demonstrations in self-sufficing farming, the preservation of plant and animal varieties for use in event of outbreaks of new diseases or development of new commercial uses, suburban land use, and the application of power-driven appliances on the self-sufficing farm and in the farm home; to the Committe on Agriculture and Forestry.

By Mr. TAFT:

S. 2959. A bill for the relief of Arrena J. Longman; to the Committee on Claims.

By Mr. BORAH:

S. 2960. A bill to add certain lands to the St. Joe National Forest, Idaho, in order to protect the watershed of the town of St. Maries; to the Committee on Agriculture and Forestry.

By Mr. SHEPPARD:

S. 2961. A bill to amend the Federal Credit Union Act; to the Committee on Banking and Currency.

By Mr. TYDINGS (for himself and Mr. GIBSON):

S. 2962. A bill to confer United States citizenship upon certain inhabitants of the Island of Guam and extend the naturalization laws thereto; to the Committee on Territories and Insular Affairs.

(Mr. LODGE introduced Senate bill 2963, which was referred to the Committee on Finance, and appears under a separate heading.)

By Mr. MALONEY:

S. 2964. A bill for the relief of Joseph L. Lipsher and Esther Mila Lipsher; to the Committee on Immigration.

By Mr. CLARK of Missouri:

S. 2965. A bill conferring jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the claims of Jennie Polete, Clara Hodges, and August Douez; to the Committee on Claims.

By Mr. O'MAHONEY:

S. 2966. A bill for the relief of John Hlachum; to the Committee on Claims.

By Mr. BURKE:

S. J. Res. 183. Joint resolution to define the status of the member of the United States on the Inter-American Commission of Women, the functions of the Secretary of State relative to the same, and for other purposes; to the Committee on Foreign Relations.

By Mr. THOMAS of Oklahoma:

S. J. Res. 184. Joint resolution to amend the Code of Laws of the United States, title 41, public contracts section 10a; to the Committee on Education and Labor.

HEALTH INSURANCE

Mr. LODGE. Mr. President, I am today introducing a bill to provide health insurance to certain workers in severe economic distress, which I ask to have referred to the Committee on Finance, to which previous proposals affecting health matters have been referred in the past.

Because it is so late in the session I shall not, of course, press for action at this time. The general question of health insurance is one, however, which is being considered by several committees of Congress at the present time, and which is engaging the attention of many persons outside of Washington. This is, therefore, an appropriate time to make a proposal of this sort, so that it may receive the consideration of officials and interested citizens.

The inspiring advance which medical science has made in recent years should not make us unmindful of the fact that every survey reveals a deplorable amount of bad health in the United States. It is true, moreover, that to a marked extent poverty and sickness go hand in hand. In this connection, the President's Technical Committee on Medical Care, a nonpartisan body, has pointed out that one reason why persons of precarious means and small earnings do not receive proper medical care is that they are unable to pay for it.

Whether for reasons of pride or of unfamiliarity with our existing health system, the fact is that there are many who will not take advantage of the generous willingness of American doctors and hospitals to supply medical care free of charge. It is high time that some plan be devised which will, first, enable these persons to help themselves, and, second, reduce the heavy load of free cases which our medical men so uncomplainingly carry.

I am, therefore, proposing an amendment to the Social Security Act which will provide health insurance for those who are in severe economic need. Under the terms of my bill, unemployed workers who have contributed to their own protection through pay-roll taxes are eligible to receive as much as $100 to pay doctor and hospital charges. The total cost of this plan in 1940 will be less than a million dollars, which is a mere fraction of the tremendous old-age fund from which the payments shall be made.

I hope this measure will be acceptable to the Congress and to all Americans who acknowledge their stake in the development of a healthy America. The needy will receive immediate relief. The taxpayer will not be affected, for there are no new taxes involved. Doctors and hospitals will receive compensation for furnishing medical care to those whose slender resources hitherto have not been able to stand the strain of essential medical assistance.

This measure does not regiment. In all cases the initiative rests with the individual. He himself chooses his own doctor and his own hospital. The Federal Government merely gives full recognition to the work of private enterprise, and simply sets up the machinery whereby the self-respecting man may help himself. Question of medical personnel and hospital standards remain where they now are, in the devoted hands of professional physicians. The part played by the State

and local governments is recognized and enhanced. There is no invitation to haste and waste.

We have taken important steps looking toward the establishment in recent years of a well-rounded, integrated social-security program. Workmen's compensation for many years has provided financial aid to those who have suffered from injuries sustained during the course of their employment. Unemployment compensation aims to protect the unemployed from loss of wages. Old-age pensions should be developed which will safeguard our people from the hazards of insecurity. A well-conceived health-insurance program should bring measurably nearer the day when the American people will be physically fit.

This bill is a humble first step toward this inspiring goal.

I ask unanimous consent that the bill may be printed in the RECORD and referred to the Committee on Finance, and that there may be also printed in the RECORD, as part of my remarks, a summary of its provisions.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill itself, and the summary referred to by the Senator from Massachusetts, will be printed in the RECORD.

The bill (S. 2963) to provide health insurance to certain workers in severe economic distress, was read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

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

SEC. 2. The Social Security Act is amended by adding at the end thereof the following new title:

"TITLE XII—HEALTH INSURANCE

"APPROPRIATION

"SEC. 1201. For the purpose of assisting qualified individuals to receive medical services when they require such care but are without means, the Secretary of the Treasury is directed to pay each month from the Old-Age Reserve account the amount estimated by him and by the Chairman of the Social Security Board which will be expended during the month by the Social Security Board and the Treasury Department for the administration of this title.

"QUALIFIED INDIVIDUALS

"SEC. 1202. An individual shall be qualified for health-insurance payments under this title if—

"(a) He has been registered as unemployed for at least 15 consecutive weeks at a public employment office or other agency approved by the Board; and

"(b) He is not receiving an old-age benefit payment under title II; and

"(c) He has been paid, after December 31, 1936, not less than $5,000 in total wages (as defined in section 210 (a)) with respect to employment (as defined in section 210 (b)); and

"(d) He has been paid such wages, with respect to such employment on some 3 days after December 31, 1936, and before he attained the age of 65, each day being in a different calendar year; and

"(e) He has filed with the Social Security Board (1) an application for health-insurance benefits; (2) a bill for medical or hospital services rendered to him; and (3) the sworn affidavit of the attending doctor or of the medical supervisor of a hospital furnishing assistance to him, that the applicant received medical or hospital treatment from such doctor or such hospital and that the bill rendered is a reasonable charge for such services.

"HEALTH-INSURANCE BENEFIT PAYMENTS

"SEC. 1203. (a) Every qualified individual shall be entitled in any year, upon approval of his application by the Social Security Board, to have forwarded to the doctor or hospital furnishing him with medical or hospital services, in part or full payment, for such services a sum equal to all or to any part of the health-insurance benefit to which such individual is entitled for such year. The health-insurance benefit to which a qualified individual is entitled for any year shall be equal to one-fifth of 1 percent of his total wages, except that such benefit shall not be in excess of $25 for any year and the total of all such benefits for any individual shall not be in excess of $100.

"(b) If the Board finds at any time that more or less than the correct amount has theretofore been paid in behalf of any individual under this section, then, under regulations made by the Board, proper adjustments shall be made in connection with subsequent payments under this section in behalf of the same individual.

"REGULATIONS

"SEC. 1204. (a) The Board shall have full power and authority to make rules and regulations and to establish procedures, not inconsistent with the provisions of this title, which are necessary or appropriate to carry out such provisions, and shall adopt reasonable and proper rules and regulations to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits hereunder.

"(b) The Board is directed to make findings of fact, and decisions as to the rights of any individual applying for benefits under this title.

"(c) The Social Security Board shall provide for opportunity for a fair hearing before an impartial tribunal for individuals whose claims for health-insurance benefits are denied.

"METHOD OF MAKING PAYMENTS

"SEC. 1205. Upon approval of an application and the bill for medical or hospital services submitted therewith, the Board shall certify to the Secretary of the Treasury the name and address of the doctor or hospital entitled to be paid for medical or hospital services given to a qualified individual, the name and address of such qualified individual, the amount of such payment, and the time at which it should be made, and the Secretary of the Treasury through the Division of Disbursement of the Treasury Department, and prior to audit or settlement by the General Accounting Office, shall make payment in accordance with the certification by the Board.

"PENALTIES

"SEC. 1206. (a) Whoever in any application for any payment under this title or in any document in connection with such application makes any false statement as to any material fact, knowing such statement to be false, shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both.

"(b) Any qualified individual participating in any such false statement shall lose all further rights to health-insurance-benefit payments.

"(c) Any doctor participating in any such false statement shall be reported by the Board to the medical authority which issues and revokes licenses to practice medicine in his State.

"DEFINITIONS

"(a) The term 'hospital', when used in this title, includes health, diagnostic, and treatment centers, institutions, and related facilities, administered by a person licensed to practice medicine in that State and which operates on a nonprofit basis.

"(b) The term 'doctor' when used in this title, includes any medical practitioner licensed in the State in which the beneficiary received treatment."

The summary is as follows:

SUMMARY OF BILL INTRODUCED BY SENATOR HENRY CABOT LODGE, JR., TO PROVIDE HEALTH INSURANCE TO CERTAIN WORKERS IN SEVERE ECONOMIC DISTRESS

I. HEALTH-INSURANCE BENEFIT PAYMENTS

This measure provides from $10 to $25 annually to qualified needy persons for medical and health services. The total of all such benefits for any individual shall not be in excess of $100. Upon approval of a bill for medical or hospital services by the Social Security Board, the Secretary of the Treasury shall make payment to said doctor or hospital in accordance with the certification by the Board.

II. FINANCIAL PROVISIONS

There will be no new taxes, as the qualified beneficiary will receive payments from the continually increasing old-age reserve account, created by his own and by other workers' pay-roll tax contributions.

III. QUALIFIED INDIVIDUALS

In order to qualify for the receipt of health-insurance benefits, an individual—

1. Must have been unemployed for at least 15 weeks;
2. Must have received not less than $5,000 in total wages, taxable under title VIII of the Social Security Act, subsequent to December 31, 1936;
3. Must have adequate coverage in an included occupation;
4. Must not receive an old-age benefit payment under title II of the Social Security Act; and
5. Must make application by presenting his medical bill, together with the sworn affidavit of the doctor or medical supervisor of the hospital.

IV. THE COMPUTATION OF THE HEALTH-INSURANCE BENEFIT

The health-insurance benefit to which a qualified individual is entitled for any year shall be equal to one-fifth of 1 percent of his total wages, except that such benefit shall not be in excess of $25 for any year.

V. DEFINITIONS

1. The term "hospital," when used in this measure, includes health, diagnostic, and treatment centers, institutions, and related facilities, administered by a person licensed to practice medicine in that State and which operates on a nonprofit basis.
2. The term "doctor," when used in this measure, includes any medical practitioner licensed in the State in which the beneficiary received treatment.

VI. PENALTIES

(a) Whoever in any application for any payment under this title or in any document in connection with such application makes any false statement as to any material fact, knowing such statement to be false, shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both.

(b) Any qualified individual participating in any such false statement shall lose all further rights to health-insurance benefit payments.

(c) Any doctor participating in any such false statement shall be reported by the Board to the medical authority which issues and revokes licenses to practice medicine in his State.

(d) The Social Security Board shall provide for opportunity for a fair hearing before an impartial tribunal for individuals whose claims for temporary disability compensation are denied.

Annual health-insurance benefits payable to qualified beneficiaries

Total accumulated taxable wages:

$5,000	$10
$7,500	15
$10,000	20
$12,500	25

Minimum annual benefit, $10; maximum, $25. Total maximum benefits payable to eligible persons, $100.

HOUSE BILLS REFERRED

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

H. R. 6446. An act amending section 4 of the act entitled "An act to authorize the city of Pierre, S. Dak., to construct, equip, maintain, and operate on Farm Island, S. Dak., certain amusement and recreational facilities; to charge for the use thereof; and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 6480. An act to amend the Agricultural Adjustment Act of 1933; to the Committee on Agriculture and Forestry.

H. R. 6668. An act to grant the State of North Carolina a right-of-way for the Blue Ridge Parkway across the Cherokee Indian Reservation in North Carolina, to provide for the payment of just compensation for said right-of-way, and for other purposes; to the Committee on Indian Affairs.

REFUND OR CREDIT OF INTERNAL-REVENUE TAX PAID ON CERTAIN SPIRITS—AMENDMENT

Mr. AUSTIN submitted an amendment intended to be proposed by him to the bill, H. R. 1648, an act to provide for the refund or credit of the internal-revenue tax paid on spirits lost or rendered unmarketable by reason of the floods of 1936 and 1937 where such spirits were in possession of the original taxpayer or rectifier for bottling or use in rectification, under Government supervision, as provided by law and regulations, which was ordered to lie on the table and to be printed.

AMENDMENT OF BANKRUPTCY ACT AS TO AGRICULTURAL COMPOSITIONS AND EXTENSIONS—ADDITIONAL COPIES OF REPORT

Mr. McCARRAN. Mr. President, on Calendar No. 1092, Senate bill 1935, which is known as the Frazier-Lemke Bankruptcy Act, the Judiciary Committee has submitted a report (S. Rept. No. 1045). I respectfully request that unanimous consent be accorded that additional copies to the number of 10,000 be printed.

Mr. BARKLEY. Mr. President, is it the committee report to which the Senator is referring?

Mr. McCARRAN. It is the report of the Committee on the Judiciary of the Senate.

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

ADDRESS BY SENATOR SHIPSTEAD TO LUTHERAN YOUTH

[Mr. CLARK of Missouri asked and obtained leave to have printed in the RECORD an address delivered by Senator SHIPSTEAD to a national gathering of Lutheran youth at the New York World's Fair, Sunday, June 25, 1939, which appears in the Appendix.]

THE PARAMOUNT PROBLEM—ADDRESS BY SENATOR BRIDGES

[Mr. TOBEY asked and obtained leave to have printed in the RECORD an address on the unemployment problem delivered by Senator BRIDGES, which appears in the Appendix.]

SENATOR M'KELLAR'S WORK FOR TENNESSEE

[Mr. STEWART asked and obtained leave to have printed in the RECORD an article from the Nashville (Tenn.) Banner of August 2, 1939, under the headline, Senator McKELLAR'S Work Brings Manifold Benefits to Tennessee, which appears in the Appendix.]

HON. JAMES A. FARLEY—ARTICLE BY JAMES E. DUNNE

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an article by James E. Dunne relative to Hon. James A. Farley, which appears in the Appendix.]

GOVERNOR AIKEN OF VERMONT

[Mr. GIBSON asked and obtained leave to have printed in the RECORD an article published in the Bellows Falls (Vt.) Times of July 13, 1939, relative to Governor Aiken of Vermont, which appears in the Appendix.]

MEXICAN OIL PROBE

[Mr. HATCH asked and obtained leave to have printed in the RECORD two Associated Press dispatches and a newspaper article relative to the action taken by the Foreign Relations Committee of the Senate on resolutions proposing an investigation of the oil situation in Mexico, which appear in the Appendix.]

PRESIDENT ROOSEVELT AND A THIRD TERM

[Mr. MURRAY asked and obtained leave to have printed in the RECORD a statement by Senator GUFFEY on September 16, 1938, and also a statement by him on Monday, December 5, 1938, relative to a third term for President Roosevelt, which appear in the Appendix.]

EQUALIZATION OF LETTER CARRIERS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 2001) for the equalization of letter carriers, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to; and the Vice President appointed Mr. McKELLAR, Mr. HAYDEN, and Mr. FRAZIER conferees on the part of the Senate.

NADINE SANDERS

Mr. HATCH (for Mr. LOGAN) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1164) for the relief of Nadine Sanders, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

M. M. LOGAN,
EDWARD R. BURKE,
ARTHUR CAPPER,
Managers on the part of the Senate.

AMBROSE J. KENNEDY,
EUGENE J. KEOGH,
Managers on the part of the House.

The report was agreed to.

THE ROAD TO PEACE

Mr. CAPPER. Mr. President, I have received a copy of resolutions adopted by two Kansas Granges in the past month—Chester Grange, No. 23, and Manhattan Grange, No. 748—urging nonintervention in Old World affairs as the best road to peace for the United States to travel.

I desire particularly to direct attention to the final paragraph of the resolutions, which reads as follows:

And finally be it resolved, that we believe the internal difficulties of our country at present are sufficient to occupy the full attention and effort of our Government, without attempting to assume a guardianship over the whole world.

I wish to agree 100 percent with that statement; and also with another statement in the resolutions, that—

We protest most forcibly against adventures in international power politics by our Government.

Mr. President, this session of Congress, in my judgment, has done three things preeminently worth while:

First. Congress refused to approve the Bloom resolution, which would have authorized and directed the President to intervene in Old World disputes at his own pleasure.

Second. Congress took a long step toward cleaning up a very bad political mess by enacting the Hatch bill to prohibit pernicious political activities.

Third. Congress saved the country a lot of grief when it refused to pass the latest lending bill, which would have in

effect taken from Congress and turned over to the Executive purse-string control through authorizing the Executive to raise funds by borrowing instead of having to come to Congress for appropriations.

Mr. President, I ask unanimous consent to have printed at this point, as part of my remarks, the resolutions adopted by these two Kansas Granges.

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

Hon. ARTHUR CAPPER,
Senator from Kansas,
Washington, D. C.

DEAR SIR: At their last regular meeting, Chester Grange, No. 23, P. of H., being also convinced, that if the rulers of the other nations can be convinced that the United States cannot be pulled into another world war, the chances of such a war occurring will be much less, voted to join with Manhattan Grange, No. 748, P. of H., in adopting the following peace resolution:

Whereas certain high officials of our National Government have recently made public statements showing very plainly their intention of involving the United States in an European war, should one occur; and

Whereas it is plainly evident that the despots which have enslaved the people of Russia are now attempting to precipitate a war between Japan, Germany, and Italy on the one side and England, France, and the United States on the other; a war that would probably leave all six powers exhausted and an easy prey to Russian imperialistic conquest: Therefore be it

Resolved by Chester Grange, No. 23, Patrons of Husbandry, that we protest most forcibly against any such adventures in international power politics by our Government, and that we demand that Congress of the United States exercise its constitutional prerogative and serve notice on the executive branch of the Government, in unmistakable terms, that no such adventures will be tolerated; and be it further

Resolved, That we protest against the plans already formulated for establishing a dictatorship in this country under pretense of providing for "industrial mobilization," "conscription of wealth," or any other specious pretense. We hold that the history of our country proves that it is not necessary to surrender the republican form of government in order to conduct a victorious war of national defense, and that no other form of war is to be tolerated; and we further hold that our present laws give public officials ample power to prevent profiteering, if they so desire; and, finally, be it

Resolved, That we believe that the internal difficulties of our country at present are sufficient to occupy the full attention and effort of our Government without attempting to assume a guardianship over the whole world.

Adopted July 6, 1939.

W. M. PACKETT, *Master.*
EMMA EBERHARD, *Secretary.*

Mr. CAPPER. Mr. President, these provisions do not infringe on any citizen's constitutional rights. Instead they protect him in the exercise of his constitutional rights.

The Hatch Act does more than this, however.

It prohibits administrative officers of the Federal Government from—

Threatening, intimidating, or coercing a voter.

From depriving, or threatening to deprive, any one of a W. P. A. job because of poltics, race, color, or creed.

From taking, or allowing to be taken, any money appropriated for relief purposes to use for political purposes.

There, in brief, are the provisions of the Hatch Act, which I consider one of the most important pieces of legislation, from the long-range viewpoint, enacted in many years.

May I add that I hope the State governments will enact similar statutes dealing with State and municipal employees. I expect the next session of Congress to bring under protection of the Hatch Act those public employees—such as those in State highway departments—as are paid in part from Federal funds.

If we are to preserve uncorrupted our representative form of government, State highway department employees—all State and municipal employees—must be protected against coercion, intimidation, and enforced contributions to political campaign funds, just as W. P. A. workers and Federal employees.

PURCHASE AND DISTRIBUTION OF SURPLUS PRODUCTS OF THE FISHING INDUSTRY

The Senate resumed the consideration of the bill (H. R. 5681) to authorize the Federal Surplus Commodities Corporation to purchase and distribute surplus products of the fishing industry.

The VICE PRESIDENT. When the Senate took a recess yesterday the RECORD shows that the Senator from Connecticut [Mr. DANAHER] had the floor, and that he had an amendment ready to submit, but that it had not been formally offered. The Chair thinks he should recognize the Senator from Connecticut.

Mr. DANAHER. Mr. President, I offer an amendment to House bill 5681, and ask that the clerk formally state the amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 3, it is proposed to strike out "any part."

On page 1, line 7, after "amended", it is proposed to insert "not to exceed $1,500,000."

On page 1, line 8, after "surplus", it is proposed to insert "edible fresh, frozen, salted, or dried but not canned."

On page 1, line 9, it is proposed to strike out "shellfish" and insert in lieu thereof "mollusks and."

On page 1, line 9, it is proposed to strike out "and similar forms of aquatic life and."

On page 1, line 10, it is proposed to strike out "byproducts thereof,".

On page 2, after line 7, it is proposed to insert the following:

SEC. 2. (a) From the fund authorized to be transferred by section 1 hereof, the Secretary of Agriculture is authorized to transfer to the Secretary of Commerce sums as follows to be maintained in a separate fund, $75,000, which shall be used by the Secretary of Commerce to promote the free flow of domestically produced fishery products in commerce by conducting a fishery educational service; and $100,000, which shall be used by the Secretary of Commerce to develop and increase markets for fishery products of domestic origin.

Mr. DANAHER. Mr. President, I take it that the question now is on the pending amendment as stated.

The PRESIDENT pro tempore. That is the pending question.

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. PEPPER. Observing this amendment, I inquire whether it is all one amendment. Will it be voted upon all together, as one amendment, or will it be voted upon separately in part?

The PRESIDENT pro tempore. Any Senator has a right to have the amendments voted upon separately if he so requests. Otherwise, they would be voted on en bloc.

Mr. PEPPER. Mr. President, the amendment limiting the amount available to $1,500,000 has already been adopted by the Senate, so I am sure the Senator does not care to press that amendment any further.

The amendment beginning on page 2, line 2, being section 2, is, I believe, a good amendment, and I have no objection at all to it; but in order that we may vote upon the various parts separately, I request that there be a severance, and that the amendments be voted upon separately.

Mr. WHITE. Mr. President——

Mr. DANAHER. I yield to the Senator from Maine.

Mr. WHITE. May I ask what the second amendment is which has been assented to by the Senator from Florida? I could not hear his statement.

Mr. PEPPER. The amendment which was adopted yesterday afternoon was to limit to not to exceed $1,500,000 a year the amount of funds that may be made available for these purposes.

Mr. WHITE. I understand that; but I thought there was a second amendment of which the Senator indicated approval.

Mr. PEPPER. No; that is the only amendment I have offered.

Mr. DANAHER. Mr. President, perhaps I can clear up the situation. The Senator from Florida did say—I am sure the Senator from Maine did not hear him—that he would be agreeable now to the acceptance of section 2, which appears on page 2 of the pending amendment. Is not that so?

Mr. PEPPER. That is correct.

Mr. DANAHER. Mr. President, with that thought in mind I ask that the Chair put the question on agreeing to the amendment on page 2, so that section 2 may be agreed upon, and we may dispense with further discussion of it.

The PRESIDENT pro tempore. The question is on agreeing to the portion of the amendment known as section 2.

The amendment was agreed to.

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

Mr. DANAHER. I yield.

Mr. PEPPER. I will say to the Senator further that, after conferring with some of my colleagues on this side of the Chamber who are in favor of the bill, I believe we have no objection to the amendment on line 10, page 1, which reads:

On page 1, line 10, to strike out "byproducts thereof."

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

The amendment was agreed to.

Mr. DANAHER. Mr. President, I will ask the Senator, in order to make the language conform, to agree to the proposal in line 8 of the pending amendment, that is, to strike out the words "and similar forms of aquatic life and."

Mr. PEPPER. I will ask the indulgence of the Senator just a moment.

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

Mr. DANAHER. I yield.

Mr. SCHWELLENBACH. Does the Senator mean that he would strike out everything except fish and shellfish? I understood the Senator to mean fish meal and fertilizer, and things of that kind, which are not used for food purposes. I see no reason why the Surplus Commodities Credit Corporation should be buying those particular products. But where fish is used for food purposes, as it seems to me it is used in connection with the products stated in the remainder of the brackets, I do not think the argument in reference to the byproducts applies to those other items.

Mr. DANAHER. Mr. President, to reply to the Senator from Washington, the way the bill was introduced it provides that surplus fishery products will include, in line 8, "fish", and, in line 9, "shellfish, crustacea, and similar forms of aquatic life." I say to the Senator from Washington that the words "and similar forms of aquatic life" should be stricken out in view of the fact that we would then include fish, shellfish, and crustacea. Is not that obvious?

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

Mr. DANAHER. I yield.

Mr. PEPPER. Does the Senator think the amendment would have the effect, if it were enacted, of excluding from the benefit of the legislation lobsters, crawfish and oysters?

Mr. DANAHER. Of course not. The word "crustacea" includes them.

Mr. SCHWELLENBACH. I think perhaps the Senator is correct, and we could very well say "including shellfish and crustacea."

Mr. PEPPER. If the species which I mentioned would not be construed as being excluded, then I would have no objection. I should like to have my colleague express his opinion.

Mr. ANDREWS. Mr. President, I would like to ask the Senator from Connecticut if he is sure the word "mollusks" would include shrimp.

Mr. DANAHER. Obviously it would. Shrimp is one of the crustacea.

Mr. ANDREWS. With that understanding, I have no objection.

Mr. SCHWELLENBACH. Mr. President, having won 99 percent of his amendments, I think the Senator could save much time if he would stop here, having won the victory he wanted. I am not interested in the bill except that I held hearings on it, and reported out the Senate bill, but I have tried, and I know both Senators from Florida have tried, to meet every reasonable request the Senator from Connecticut has made, and I think he might well retire in glory now, as he has won the main portion of the amendments he wanted.

Mr. DANAHER. Mr. President, I am grateful to the Senator from Washington for his interest in the suggestion, but fifty-six one-hundredths of the battle remains, the other 44 percent having no more than narrowed the issue. In order that the record may be made straight, I ask that the amendment with reference to line 8 on page 1 be stated that we may have a record vote.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. On page 1, line 9, after the word "crustacea", it is proposed to strike out "similar forms of aquatic life and."

Mr. PEPPER. I have no objection.

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

The amendment was agreed to.

Mr. DANAHER. Mr. President, that resolves the issue into only one thing, that is, whether or not, in the first place, the Federal Surplus Commodities Corporation should be authorized to buy fish at all, and, collateral to that, the kind of fish or fish products it should be authorized to buy, if it is to be authorized to buy any.

It seems to me that the bill as introduced by the Senator from Florida is fatally defective in that it conflicts very vitally with the principle upon which section 32 of the Agricultural Adjustment Act was enacted. The Senator from Washington says he held hearings on the bill and reported it out. Let me point out to the Senator that the bill to which he refers is only one of three which would purport to accomplish the objective sought by the Senator from Florida. Another bill was introduced by the Senator from Florida which would go even to the length of authorizing the purchase of seaweed, and include any fisheries' products or forms of shells and aquatic life of whatever type. Happily, that phase of this matter has been eliminated by the amendments upon which agreement has been reached.

We now come back to the question whether or not we should as a matter of permanent policy authorize a corporation which is an agency of the Department of Agriculture to purchase fish products. The country's greatest fisherman went fishing last week end, and, according to the press, he spent all day Saturday in a school of blue marlin and did not catch one. The press faithfully reported that on Sunday, on the other hand, he caught a 70-pound blue marlin, although it was dutifully recorded that the average size is only 60 pounds. I cite this to show that if he had been in a school of fish on Saturday which had been biting heavily, there was a time of the day when he could have stopped catching fish, after he had caught enough. In other words, a surplus is controllable. It is not like an agricultural crop, in the raising of which a man puts his thought and physical services and money, with the vicissitudes attendant on such endeavor. That is not this situation. A person does not have to fish. One can stop fishing at any time, and therefore not produce a surplus and load onto the United States and the taxpayers of the country the burden of buying the surplus.

When I submitted the amendment, it was with the purpose of limiting the effect of the pending bill to edible fish. The bill, in fact, does not limit the effect to edible fish, but the amendment I submitted would limit it to edible, fresh, frozen, salted, or dried, but not canned fish.

The reason for interpolating the words "but not canned" is that when the Federal Surplus Commodities Corporation undertakes to buy canned products and send them broadcast, perhaps make them available to the holders of blue and orange stamps in this country, the moment those things are put into the marts of trade, the market for everything which is normally sold at a reasonable price is depressed. It is perfectly apparent that if the Government is to take these canned surpluses and introduce them into groceries and markets and at distribution points all over the United States, make them available to those who are eligible under the Federal Surplus Commodities Corporation plan, then the market for the products in which people have legitimate

stock investments will be depressed, and, far from achieving the purpose of liquidating the surpluses, it will produce an additional surplus; far from assisting the fishermen, it will injure their markets.

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

Mr. DANAHER. I yield.

Mr. ANDREWS. The object of the original bill (S. 2110) which I introduced was to put fish and edible fish products on the same basis with agricultural products; nothing more and nothing less. As to agricultural products, the law was enacted not only for the benefit of the consumer, but for the benefit of the producer. If the Surplus Commodities Act were not for the benefit to the producer, it would not have been suggested. As a matter of fact, the Surplus Commodities Corporation buys canned surplus products of the farm, the same as it buys other products. This bill would put fish and edible fish products on exactly the same basis as agricultural products. Fish is a very perishable commodity. All kinds, as described in the bill, are very perishable products. There is no reason, I can see, why they should not be put on exactly the same basis as farm products.

As a matter of fact, as the Senator [Mr. DANAHER] just stated, one may limit his catch, if he is fishing, perhaps, with a line, but when men go out with a seine, for instance, and there is a run of mullet, they may catch a hundred pounds, or they may catch 300 pounds, or they may catch 3,000 pounds. The catch cannot be controlled. They do not know how many they are going to catch. The result is that the market may become flooded, and the fishermen get nothing or little, unless they are able to store them, and when they place them in cold storage or can them, they have a surplus. That is the only instance in which the Government steps in, and the Surplus Commodities Corporation are very cautious, as the Senator knows, about stepping in and taking up any surplus. Of all the trades or calling of men it seems to me the fishermen are about the only ones who have been forgotten, and they have been forgotten too long. They give us one of the most wholesome and wonderful foods that we enjoy. The object of this bill is an attempt to help them through a crisis, along with others who have been assisted.

Mr. DANAHER. Mr. President, everything the Senator has said would apply with equal force to those who make tin cans in Pennsylvania. There is not a word the Senator says that would not apply to the manufacturer who had hoped to sell an additional supply of tin cans to take care of the surplus fish the Senator from Florida hopes to see sold. This is not a relief bill, this is not a bill introduced with the idea of taking care of merely the fishermen. Why is there not a bill to take care of lawyers or a bill to take care of doctors? Why is there not a bill to take care of people who manufacture too many fish forks, if it is expected the people of the United States are going to buy fish, and hence will need fish forks? Oh, no; nothing like that is proposed. Fishermen can always stop fishing; that much is certainly true. There is no reason in the world why there should be special legislation requiring the taxpayers to spend their money in order to take care of a surplus which is controllable by the fishermen themselves.

Mr. President, let me point out that twice before the Government has experimented with the Federal Surplus Commodities Corporation with respect to fish. It did so in 1937, and at that time approximately 12,057,000 pounds of fish were distributed, at a total cost of $698,771. In 1938 it was tried again, and at that time there were purchased 3,615,000 pounds of fish, and the Government distributed them at a cost of $290,000.

When the committee was conducting its hearing in this particular the Acting Secretary of Agriculture wrote a letter to the Senator from North Carolina [Mr. BAILEY], chairman of the Committee on Commerce, dated May 19, 1939, in which he pointed out that holdings of frozen fish as of February 15, 1939, totaled 54,000,000 pounds, which compares with the record holdings of 87,000,000 pounds on January 15, 1937. He said further:

> Canned-salmon inventories on the Pacific coast are less than those of a year ago, and present prices for fresh landings of most species of ground fish in New England area, in most instances, are higher than prices of the surplus season of 1937. This would indicate that a higher level of prices may prevail than when the two previous programs were conducted by the Corporation.

In addition, the Acting Secretary of Agriculture pointed out that the Director of the Bureau of the Budget advised the Department of Agriculture under date of May 11, 1939, that the proposed legislation would not be in accord with the program of the President.

Mr. President, that is the situation which confronts us. We have no right, it seems to me, to take the taxpayers' money and devote it to the absorption of manufacturers' surpluses.

Whatever merits there may have been in the theory of taking care of this type of surplus which the fisherman himself cannot readily dispose of, on the ground that it is perishable, let me say with reference particularly to the Gulf Coast States, which produce shrimp, that almost all of the shrimp which is transported to the Northern States—and some Senators may not realize it—is in a frozen form. It is brought up in boxes. It comes into my house in boxes, and the shrimp are so solidly frozen that one cannot separate one shrimp from another. If one orders shrimp in the Senate restaurant today that is the sort of shrimp he will get. People do not want canned shrimp; they want fresh shrimp. If it is desired to give relief to the fishermen, Mr. President, the only adequate way in which it can be given is to take the unsalable surplus off the market.

The measure should be limited to something that can be justified on the basis that it is a consumers' bill. If it is on any other basis in principle it cannot be justified.

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

Mr. DANAHER. I yield.

Mr. WHITE. The bill is not mandatory in its terms. It does not require the Surplus Commodities Corporation to buy a single pound of fish, whether they be current supplies or whether they be surplus fish. It simply gives the authority to do it. I had supposed that we must assume that this authority would be exercised with some degree of intelligence, and that it would be exercised only when there were depressing surpluses upon the market. If that is not so, there is force in what the Senator from Connecticut has been saying. If it is true, then I am not very much impressed with what the Senator from Conencticut has been saying.

Mr. DANAHER. Mr. President, let me answer the Senator from Maine by pointing out that the language of the amendment I have submitted would authorize and make possible a purchase by the Surplus Commodities Corporation of edible surpluses, whether fresh or frozen, salted or dried. Would not the Senator from Maine expect that that authorization normally would include all that type of fish and shellfish and Crustacea which ought to be available to the market?

Mr. WHITE. I do not know what has happened to the amendment in which the term "edible fish" is used.

Mr. DANAHER. That is pending.

Mr. WHITE. The Senator from Connecticut has said that the fishermen could stop fishing when they wanted to. I say that as a practical proposition that is not so. The fishing fleet are fitted out, and they start from the Pacific coast and go up into the Alaskan area, and the fishermen fish for the halibut and the black cod and the salmon of that section. The boats go out from New England ports—Boston, Gloucester, and other ports up and down that coast, as well as from the ports in the southern waters, the South Atlantic. Literally hundreds and thousands of such boats go out every fishing season, and no one knows until the fishing season has been concluded, and all the boats have brought their products to the market, whether there will be a surplus or whether there will be a deficiency of supplies.

Mr. President, they simply cannot stop fishing, because it is a continuous process which is undertaken. The boats are outfitted and sent into the seas; they stay there during the fishing season, and return, bringing back what they have

caught, utterly without knowledge as to what other vessels are bringing in as a cargo of fish.

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

Mr. WHITE. No; I sit down.

Mr. DANAHER. Mr. President, I should not like to have the Senator sit down just now. I should like to have him answer a question. Does the Senator know that we have statutes on the books forbidding the taking of halibut above a fixed maximum?

Mr. WHITE. I do not know what statute the Senator from Connecticut has in mind, but I do know that, as a practical matter, when the halibut boats start out from Ketchikan and other Alaskan ports, as well as from ports on the northern Atlantic seaboard and the southern Atlantic seaboard, they go into the various waters and catch what halibut they can.

Mr. DANAHER. And violate the law? Mr. President, does the Senator mean that?

Mr. WHITE. I would have to be shown the statute before I would know of any limitation put upon the catch of any particular fisherman or any fishing boat. If the Senator has such a statute in mind, I should like to see it.

Mr. DANAHER. Pursuing that line of inquiry just a moment more: is there not a limitation in Maine with reference to the size of chicken lobster, so-called, which may be taken by the fishermen?

Mr. WHITE. There is a limitation upon the size, but there is no limitation upon the poundage the fisherman may catch and the number of lobsters he may catch. And there is no limitation of law, so far as I know, anywhere upon the number of cod or haddock or halibut that a fisherman may bring in out of the water when he goes out to fish.

Mr. DANAHER. If the fisherman catches lobsters that are too small, what does he do with them?

Mr. WHITE. He puts them back.

Mr. DANAHER. The Senator does not suppose that he takes them over the line and has them canned in some other country?

Mr. WHITE. If he does that, he does it at his peril, and, in my opinion, he does not do it. Canned lobster, which we are getting in the United States are very largely lobsters which are caught in the Canadian waters and shipped here.

Mr. DANAHER. Mr. President, the Senator from Maine has implied that notwithstanding the existence of statutes which limit the catch of halibut, fishermen go out and indiscriminately catch halibut, and if they bring back a surplus they want to have the United States buy the surplus. Is that the understanding the Senator wishes to convey?

Mr. WHITE. Mr. President, the Senator has not yet quoted me the statute which limits any fisherman with respect to the number of halibut or the poundage of halibut he may catch. I do not know of any such statute and I do not believe there is such a statute.

Mr. DANAHER. I can assure the Senator——

Mr. WHITE. If it exists it only applies to one species of fish.

Mr. DANAHER. To halibut.

Mr. President, of course the whole question as to the honesty of the Maine fishermen arose because of the implication of the Senator from Maine that if there be a statute—never mind whether he is assured as to its existence—if there be a statute, he, nonetheless, would have the United States buy the surplus. Is that it?

Mr. WHITE. No; I did not say that. The Senator knows perfectly well that I did not say that. The Senator is nimble-witted, but not accurate.

Mr. DANAHER. Mr. President, I can assure the Senator that I am at least sufficiently accurate to know that there is such a statute, that I can call it to his attention, and presently will do so.

But to return to the point, Mr. President. There is no longer need for dwelling interminably, it seems to me, on this particular subject. The fundamental of the thing is simply this, that if the United States of America is going to take the funds of the taxpayers and buy what are obviously controllable surpluses, there is no reason in the world why we should not take the same money and go into Pennsylvania and buy the surplus-mined coal there. The miners there do not know how much coal people are going to buy, and they sometimes mine too much. The miners in West Virginia do not know how much bituminous coal is going to be needed, and they may sometimes mine too much. As a matter of fact, there is much more justification for buying coal than there is for buying fish, because coal is a vegetable product, and at least would come within the intendment of the A. A. A. which deals with vegetable and farm produce.

Mr. President, I submit that the law should not be extended, and we should not undertake to enter a brand new field of exploitation. The bill would in effect amount to an entering wedge by means of which ultimately the funds of the taxpayers would be devoted to a socialization of distribution. I do not think the Congress should take such a step.

I ask that the amendment be adopted, Mr. President.

Mr. DAVIS. Mr. President, may the amendment be stated?

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 8, after "surplus", it is proposed to insert "edible fresh, frozen, salted, or dried but not canned."

Mr. ANDREWS. Mr. President, I ask that the amendment be rejected. Let us put fish on exactly the same basis as other products, and treat the fisherman in the same way as other producers are treated. Fishing is like farming or any other calling which depends on the weather. No fisherman knows what he can do until he tries, and when he is lucky let us not lay it up against him.

The PRESIDENT pro tempore. The question is on agreeing to the amendment on page 1, line 8.

The amendment was rejected.

Mr. DANAHER. Mr. President, there is one other amendment.

The PRESIDENT pro tempore. Apparently there is an amendment on page 1, line 9.

Mr. ANDREWS. I think all the other amendments have been disposed of.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 9, it is proposed to strike out "shellfish" and insert in lieu thereof "mollusks and."

Mr. DANAHER. Mr. President, that particular language was adopted after a conference between the Senator from Florida, the Chief of the Bureau of Fisheries, and myself. It is claimed that the word "mollusks" is much more accurately descriptive than the word "shellfish"; and the word "crustacea" should have before it the word "and", in view of the elimination to which we agreed this morning.

Mr. ANDREWS. Mr. President, I thought we agreed this morning that the language "including fish, shellfish, and crustacea" included everything.

Mr. DANAHER. I think the Senator is incorrect, and that the RECORD will so show. The word "mollusks" includes the type of shellfish which the Senator from Florida has not included in the language as drawn. The word "mollusks" actually applies to clams, oysters, and things of that kind.

Mr. ANDREWS. Are they not shellfish?

Mr. DANAHER. The word "shellfish" is commonly synonymous with "crustacea."

Mr. ANDREWS. Mr. President, I am not arguing over the terms. I realize that every amendment added to the bill, which is a House bill, will cause some delay. We are in the last hours of the session, and we are very anxious that the bill be passed. It seems to me those words include everything.

Mr. PEPPER. Mr. President, in order to avoid any possibility of error, is the Senator from Connecticut agreeable not to striking out the word "shellfish", but to adding "mollusks" after the word "shellfish", so that there can be no question about it? If so, I have no objection to the amendment.

Mr. DANAHER. Mr. President, the suggestion of the Senator from Florida is equivalent to saying "left eye and right

eye" instead of "eyes." If it will satisfy the Senator from Florida, I will agree to the modification.

The PRESIDENT pro tempore. The question is on agreeing to the amendment on page 1, line 9, as modified.

The amendment was agreed to.

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

Mr. DANAHER. Mr. President, almost everything I have had to say so far applies to the bill itself. I am opposed to the extension of this principle. It should not be done, as the letter from the Department of Agriculture to the Senator from North Carolina [Mr. BAILEY] pointed out. I have read the letter into the RECORD. The bill is outside the recommendations of the Bureau of the Budget. It authorizes a program which should not be undertaken. We should not extend a purely agricultural surplus disposal act to include a controllable surplus such as fish or the fish products enumerated in the bill.

Mr. President, I ask that the bill be rejected.

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

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

The bill was read the third time.

The PRESIDENT pro tempore. The question now is, Shall the bill pass?

Mr. DANAHER. Mr. President, I ask for a division.

On a division, the bill (H. R. 5681) was passed.

CONTINUATION OF SPECIAL COMMITTEE ON THE TAXATION OF GOVERNMENTAL SECURITIES AND SALARIES

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to consider Senate Resolution 172, Calendar 1161, a resolution continuing the Special Committee on the Taxation of Governmental Securities and Salaries. I have discussed the matter with both the majority leader and the acting minority leader. The resolution has been approved by both the Senate Finance Committee and the Committee to Audit and Control the Contingent Expenses of the Senate.

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

There being no objection, the resolution (S. Res. 172) submitted by Mr. BROWN on July 27, 1939, was considered and agreed to, as follows:

Resolved, That Senate Resolution 303, Seventy-fifth Congress, third session, establishing a Special Committee on the Taxation of Governmental Securities and Salaries, agreed to June 16, 1938, is hereby continued in full force and effect until the expiration of the Seventy-sixth Congress, and the time for making the report required by such resolution is hereby extended to such date of expiration.

NATIONAL MONETARY AND BANKING POLICY

Mr. BARKLEY. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1165, Senate Resolution 125.

The PRESIDENT pro tempore. The resolution will be stated by title.

The CHIEF CLERK. A resolution (S. Res. 125) providing for a study and determination of a national monetary and banking policy, reported from the Committee to Audit and Control the Contingent Expenses of the Senate, with an amendment.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky that the Senate proceed to the consideration of Senate Resolution 125?

Mr. BAILEY. Mr. President, I understand the request is for unanimous consent. I wish to enter an objection to the consideration of the resolution.

Mr. BARKLEY. I move that the Senate proceed to the consideration of the resolution.

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

The motion was agreed to; and the Senate proceeded to consider Senate resolution 125 submitted by Mr. WAGNER on April 17, 1939, reported from the Committee on Banking and Currency with amendments on June 15, referred to the Committee to Audit and Control the Contingent Expenses of the Senate and on August 3, reported from that committee by Mr. BYRNES with an additional amendment.

The amendments were on page 1, at the beginning of line 3, to strike out "determine" and insert "consider and recommend"; in line 6, after the word "to", to strike out "determine" and insert "consider and recommend"; and on page 2, line 20, after the word "exceed", to strike out "$25,000 $100,000" and insert "$25,000", so as to make the resolution read:

Resolved, That the Committee on Banking and Currency is authorized to conduct a study and to hold hearings to consider and recommend a national monetary and banking policy by which the monetary and banking authorities of the Federal Government shall be guided and governed, and to consider and recommend the character of governmental machinery best calculated to carry out such policy. The committee shall report to the Senate as soon as practicable the results of its study, together with its recommendation for the enactment of any legislation it may deem necessary.

SEC. 2. (a) For the purposes 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 during the sessions and recesses of the Senate in the Seventy-sixth Congress and subsequent Congresses as it deems advisable.

(b) The committee is likewise authorized to call upon any of the agencies of the Government to present evidence with respect to the subject matter of this inquiry, which is within the administrative jurisdiction of such agency under existing law or which may be assigned to such agency by the committee.

(c) The committee or any duly authorized subcommittee thereof is authorized to employ such experts, and clerical, stenographic, and other assistants and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings as may be held shall not be in excess of 25 cents per 100 words. The expenses of the committee which shall not exceed $25,000 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The amendments were agreed to.

The PRESIDENT pro tempore. Without objection, the resolution as amended——

Mr. BARKLEY. Mr. President, the Senator from North Carolina desires to express some views on the resolution. I do not wish to deprive him of that privilege.

Mr. BAILEY. Mr. President, I am opposed to the resolution and I should like to be heard briefly upon it.

I know of no necessity for investigating the banking and currency situation of this country. I know of no reason for proceeding with such an investigation. On the other hand, all such investigations tend to disturb everybody concerned. I think they all tend to distract the minds of the American people from the real difficulties with which they are confronted.

What will be the effect in this instance? If I may argue from past experience, the effect will be just what it has been in the past. We have had no end of investigations. We had them all last year, all the year before, and all the year preceding that. I do not know that anything has come of them except that business has been disturbed.

If this resolution should be agreed to and the investigation proceeded with, I expect that practically every banker in the United States will wonder what on earth the Senate is up to. It will tend to make him afraid to proceed with his business. It is like the Government of the United States putting a gun upon the mark pointing at him day after day. I do not know anything that could be more disturbing to the banking situation than notice to be given by the Senate that we are going now to proceed to investigate the banks. We will be sending for bankers. They will not know what we are driving at. We may have the very best intentions; but they will have no reason to infer that from past experience; on the contrary they will have some reason to think the intentions are not quite so good.

Mr. President, what is wrong with the banking situation that it should be investigated? Who is bringing an accusation here against the banks?

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

Mr. BAILEY. Yes; I yield.

Mr. WAGNER. I think the Senator is entirely mistaken in his views with reference to this proposal. This is not a proposal to investigate banks. I may say that I have conferred with the head of the American Bankers Association and other prominent bankers who favor this sort of a study. The resolution does not propose an investigation at all, but a study of proposals which have been before Congress year after year as to what changes should be made in our monetary policy to aid in bringing about recovery and a better functioning of our monetary policy.

The demands by legislators who have asked the committees to act upon monetary legislation proposed by them has culminated in this particular resolution. There was a similar resolution submitted by the Senator from Delaware [Mr. TOWNSEND], another one by the Senator from Kentucky [Mr. LOGAN], another one by the Senator from Alabama [Mr. BANKHEAD], and one by another Senator whose name I do not recall at the moment. The Committee on Banking and Currency considered this proposal and reported by unanimous vote. It was clearly understood then and it is clearly understood now that this is not a proposal to call banks before the committee and pry into their business affairs at all; it has no relation to that subject.

During recent sessions of Congress a large number of bills have been introduced that have been referred to the Committee on Banking and Currency, dealing with proposals to overcome the country's economic difficulties by monetary action.

Among the proposals that are currently before Congress, many are based on the belief that our difficulty is in the lack of an adequate supply and control of money. Some would remedy this situation by the issuance of currency, either directly by the Treasury or through the Federal Reserve banks, some would retire Government bonds by issuing paper money and thus not only increase the supply of currency but also reduce or retire altogether the interest-bearing public debt. Others believe that the remedy lies in monetization of silver at a high price, and the issuance of silver certificates to add to the supply of money. Still others believe that what is needed is a stimulus to the use of money through some system of stamp script that would result in a penalty on money that is not promptly spent. Another group of measures aims to correct conditions by changing the ownership and management of the Federal Reserve System and by requiring 100-percent reserves against demand deposits. Another proposed remedy would establish a new system of banks to supply intermediate and long-time capital, particularly to small business.

Still others think that the monetary system now in existence should be corrected by the elimination of silver purchases, by the establishment of a fixed price for gold, and by the reintroduction of gold coins into circulation. They contend that the elimination of currency uncertainties would restore confidence and result in economic revival. There are some who believe that the flow of capital into enterprise is retarded by what they consider as an artificially low level of money rates and others who argue that the Government absorbs too large a part of the country's savings through the sale of its own securities.

These opinions and proposals cover a wide range, and seek legislative action on matters of vital importance to the welfare of the Nation.

Mr. BAILEY. Mr. President, let me interrupt my friend to say that I hope and pray to kind heaven that the proposed investigation is not going to open up all the crackpot propositions he is talking about.

Mr. WAGNER. I think we can rely upon the committee to limit the inquiry and the evidence to be introduced to a well-thought-out plan and to limit the field within proper bounds.

While the objectives are, of course, desirable, and Senators having these proposals have pressed for action, the Banking and Currency Committee is not prepared to act upon them without a more thorough study. We, of course, favor the fullest utilization of the country's human and material resources to bring about a better economic day.

There are those who contend that there is a sufficiently existing supply of money but say its utilization has not been availed of, while others contend the supply is insufficient to bring about a fairer commodity price.

There are those who contend that stabilization and production in employment is the more satisfactory objective in public policy than price stability.

The committee, therefore, has unanimously voted for a study and an examination of this problem to recommend some legislative action if it is needed.

The Federal Reserve Board in its report of 1938 pointed out that our present system of regulation and supervision over money and banking is still defective in many respects. The 15,000 banks today are subject to conflicting and overlapping laws and jurisdictions which result in discriminations against certain groups of banks and in a confusion of duties and responsibilities among different Federal and State authorities. It is stated that Federal supervision of banking itself is distributed among several governmental agencies without clear delimitation of the respective powers and responsibilities of these agencies.

I take it that it is desirable to make our banking and monetary mechanism effective that there be a clear division of responsibility and that there should not be conflicting jurisdiction and supervision over banks through which the monetary system operates. For that reason it is proposed, if this resolution is passed, to study and recommend what objectives should guide our monetary and banking authorities and the validity of the different plans proposed, and if there be a change, what Government machinery would be best calculated to carry out the acts of Congress in this important field.

I think it very important that this study may be made, to the end that Congress may have the benefit of a study of this important subject by one of its standing committees.

I have stated all that is proposed by the resolution. There is not anything, I assure the Senator, in the mind of the committee contemplating an investigation of banks. Otherwise I am sure the bankers would not have offered not only their support but complete cooperation in our efforts.

Mr. BAILEY. Mr. President, it is some relief to know that the broad powers of the resolution are not intended to be used with respect to banks, and I shall rely upon that assurance.

Mr. WAGNER. The Senator may well do so.

Mr. BAILEY. I have no question of faith in the Committee on Banking and Currency; I have a great deal of respect for it.

Now we are told that the whole object is to investigate the monetary system of the United States. What is wrong with the monetary system of the United States? What is there to prevent any Senator here from studying the monetary system without the expenditure of $25,000? I have been studying it very hard for several years, and, while I do not claim to know anything about it, my studies have not cost anybody anything.

There are Senators here who have been studying it ever since old man "Coin" Harvey founded his "financial school." I sometimes think they started wrong, but that does not matter. I heard a Senator say the other day that he swallowed "Coin's" financial school whole when it was first published. That explains much.

I will not quote what the majority leader has just said to me, but he has made a very apropos remark. What is the idea of studying the monetary system? What is the use of spending $25,000 on this proposed investigation? The whole theory of investigations by Congress is founded upon the contemplation of legislation. We do not investigate with a view to anything else except to aid ourselves in our function of legislating.

What legislation is to be attempted? What legislation have we had? We have had a very considerable amount and variety of legislation on the monetary question. I know there are a great many people in this country who are complaining that there is something wrong with the monetary system. If cotton goes to 8 cents a pound somebody blames

the monetary system. If wheat goes to 60 cents they always blame the monetary system. Mr. President, that has been the policy of political quackery for at least 200 years. I do not know that anything has ever been done by way of solving the difficulties of a depression by operations on the monetary system.

I get much monetary propaganda through the mail. I understand what the authors of it are driving at. There are a great many people who would like to destroy the monetary system or blow it out with inflation. We would then have very high prices; we would have very high times also, and we would not have a Government when we finished. We have a managed currency now in the United States. We have a first-class Federal Reserve Board. I have rather admired its policies. It has told us in plain language—and I put their statement in the RECORD about 6 weeks ago—that we do not need any additional currency; and I think that is true. I think that is true. I know the average man thinks we do. We have more money in circulation today than we have ever had before, except at the bottom of the depression. I think the figures are around $7,000,000,000, about $2,000,000,000 more than we had in 1926, which is considered a normal time. The proposition seems to be just to make a general investigation with a view to some legislation about our monetary system. All right; start it. During the 5 or 6 months that we shall be at home——

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

Mr. BAILEY. I yield.

Mr. CONNALLY. Suppose we have this study, will any of those who make it know anything more about it when they get through than they now do?

Mr. BAILEY. No; and they will not be any more agreed on the facts; and, what is more, when the report is printed we shall have great difficulty in finding any Senator who ever read it or knew it was printed. That is my experience here about reports.

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

Mr. BAILEY. I yield to the Senator from Idaho.

Mr. BORAH. Is the Senator discussing Senate Resolution 125?

Mr. BAILEY. I am discussing the resolution to appoint a committee to spend $25,000 to investigate the monetary system, and the banks, as I understood; but the chairman of the committee says he does not intend to investigate bankers or banks, but does intend to investigate the monetary system.

Mr. BORAH. May I ask the chairman of the committee a question? What is the resolution intended to cover in the way of an investigation?

Mr. WAGNER. Mr. President, I may say to the Senator that it is not to be an investigation at all. The word "investigation" is not used anywhere in the resolution, so far as I recall. It is proposed to be a study. A number of proposals have been made with reference to the management of our monetary policy, and there has been a demand among Senators and outside organizations that some action should be taken upon those proposals. They are different ones. They are in conflict. The American Farm Bureau Federation, for instance, and one other large labor organization, have also urged that this study be made; so if there is anything to the contention that our monetary policy is not properly aiding our recovery program, at least we ought to study the question. A number of resolutions have been introduced by Members of this body who have also urged, rather than having immediate action upon their legislation, that the committee at least study the question, and receive the opinions of those who have specialized in the subject. In addition to that, some legislation has been introduced attempting to cure conflicts of jurisdiction in different agencies over the banks of our country with reference to the examination of their loans and other matters. One of the bankers who talked to me on this subject, the head of the American Bankers' Association, expressed their willingness to cooperate in this particular study. So if there is any conflicting jurisdiction by different agencies, that matter ought to be looked into and remedied; and that is the purpose of this particular resolution.

Mr. BORAH. The resolution says the Committee on Banking and Currency is authorized to conduct a study and to hold hearings to consider and recommend a national monetary and banking policy. Of course, if the resolution properly indicates its purpose, it is the most important resolution that has been submitted to this body in a long time. If there is going to be a study and consideration for the purpose of recommending a monetary policy for the United States, hardly anything more important than that has come before this body. The question which occurs to me is this: Is the resolution broad enough to cover a real study and consideration of the monetary policy of the United States?

Mr. WAGNER. I think it is.

Mr. BORAH. What I mean is, Do we want to enter upon a study of this question and confine the jurisdiction to a committee of the Senate? Ought not a special committee be created for that purpose?

Mr. WAGNER. Of course the Banking and Currency Committee has always had these problems before it, as a standing committee of the Senate.

Mr. BORAH. I am not criticizing the Banking and Currency Committee for the discharge of the duties which properly devolve upon the committee; but, in my judgment, the resolution proposes to enter upon the study of a great national policy which lies at the basis of all questions connected with the return of prosperity in this country. Is it satisfactory to build a committee to study that subject out of Members of the Senate alone? We should have a broad, scientific, nonpolitical committee, a special committee.

Mr. WAGNER. There is something to the Senator's suggestion. I thought, at any rate, the committee might begin its study and investigation. We should have to consider that question.

I may say that the committee, both the Democratic members and the Republican members, was unanimous in its view that this study should be made. They were anxious to have the study made because we have before us constant demands to have hearings upon particular bills, and complaints that we have not acted upon them; and the reason why we have not acted upon them is because we have not had sufficient time to study the questions involved in the proposals so as to make intelligent reports upon them.

I agree with the Senator. I think the study will be a very important one if it is conducted sensibly as a study. This is not the sort of an inquiry that the Senator from North Carolina [Mr. BAILEY] had in mind at all. It is not a question of self-exploitation, or anything of that kind.

Mr. BAILEY. Mr. President, I wish to assure the Senator that I did not think there was any self-exploitation about it.

Mr. WAGNER. I thought that was implicit in what the Senator said.

Mr. BAILEY. But I think the resolution is sufficiently sweeping to authorize the committee to investigate everything connected with banking and currency. I thought the Senator meant to investigate the banks. He says he does not.

Mr. WAGNER. I assure the Senator that the resolution states just what is intended by it. It is always very difficult to put in a resolution words which will limit it to the particular study we have in mind. I thought, by using the word "study," we were making very clear the intention of the committee.

The Senator from North Carolina says there is nothing the matter with the monetary policy. I may agree with the Senator, but there are others who differ; and I think it is time to study the question, so that we may bring to the Senate for its consideration at least whatever consideration and recommendation we may make as a result of the study.

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

Mr. BAILEY. Mr. President, I should like to conclude. I yielded to the Senator from New York and the Senator from Idaho, and was glad to do so. This is what I have in mind:

What this country needs above all things is a period of relative stability. The Congress, the Senate—I may speak of the Senate, and I do not mean to be critical—for 8 or 9 years, to my certain knowledge, has been the center of no end of alterations and proposed alterations. Men cannot carry on business when a Government, as powerful and far-reaching as ours is, is forever changing—changing the currency, changing the taxes, changing the laws, changing the regulations. As the Senator from Georgia [Mr. GEORGE] said here the other day, none of us now knows what the law is or is going to be. We passed one recently, and the President comes forth and interprets it. That is well; he has a right, I suppose, to interpret. His duty is to administer it.

When one of our acts is brought before the Supreme Court, and no one here can ever again undertake to say what is constitutional and what is not. I do not expect ever to see the time when a Senator can rise again on this floor and say that a proposed act is constitutional or that it is unconstitutional. The fountainhead has become uncertain. We did have a body of doctrines in the Supreme Court reports upon which we could rely. All of us here have taken pleasure in sitting and listening to the Senator from Idaho [Mr. BORAH], hearing him expound the doctrines laid down in the great decisions. That is all gone. The Senator from Idaho cannot tell us now. The reports have lost much of their value.

I believe I will give my colleagues an instance. Yesterday we adopted an amendment to the tobacco section of the Farm Act. Very few in the Senate knew about it. I suppose most of the Senators did not know it was adopted. The Supreme Court held that the act we passed last year, or the year before, was constitutional. We imposed a penalty by pounds upon the sale of tobacco in interstate commerce in excess of allotments. The Supreme Court said that that was not control of agriculture, that it was control of commerce. But every Senator here who understood the bill knew that it controlled agriculture; every farmer who produced tobacco in North Carolina knew it was controlling agriculture. The Supreme Court did not know that. They said it was control of commerce, and they upheld the act. We had some stability at any rate. But yesterday we adopted another amendment, and we took the whole tobacco program off the basis on which the Supreme Court had held the law to be constitutional. We did have allotments in pounds, but under the new act we have them in acres. One does not ship acres in interstate commerce, one does ship pounds.

We had a penalty in terms of percentages of the amount sold, but now we have a flat penalty of 10 cents, and that is more than confiscatory. The old penalty was 50 percent, and anyone who knows anything about tobacco knows it sells by grade. One grade sells for 6 cents, another for 10 cents, another for 20, another for 25, another for 50. We put a penalty of 10 cents a pound on tobacco regardless of price, which is absolutely prohibitive, and we make allotments in acres, not pounds.

I am not complaining about that. The bill passed by unanimous consent. This is my point: We utterly changed the whole agricultural set-up so far as tobacco was concerned, and that notwithstanding the fact we had just gotten an opinion from the Supreme Court upholding the law. We so changed it that there will not be a farmer in the whole southern Tobacco Belt who will now know whether the new law is constitutional or not; and I afraid to say.

I would not speak of the Supreme Court disrespectfully. I do not intend as long as I live to do so. I stood here for its independence, and God knows I will stand for its independence until I die. I sometimes think I would rather die than to see its independence destroyed.

Mr. BORAH rose.

Mr. BAILEY. Let me say to the Senator, it was a new Justice of the Supreme Court who spoke of the Supreme Court as being "reconstructed." I would not do so.

Mr. BORAH. Mr. President, in reference to what seems to be the gloomy outlook of the able Senator touching the decisions of the Supreme Court, I may say that in my opinion the changes which are now supposed to be taking place in the opinions of the Supreme Court and its attitude toward current questions are not greater than the changes which it was charged took place under Marshall, are not greater than they were supposed to be under Taney, who succeeded Marshall, and not nearly so great as changes which took place following the Civil War. Those were really revolutionary periods in the history of constitutional law. I am of the opinion, in the light of subsequent history, that the attitude of Marshall upon the questions before him served really to lay the foundation for permanency in this Government, although they were regarded at that time as revolutionary and destructive. Great and distinguished statesmen declared they were violative of the whole theory of our dual system of government. The changes wrought by Taney in his decisions were of undoubted and transcendent benefit to the people of this country, although they were regarded as in a measure overthrowing Marshall's opinions in many respects and destructive of what had come to be accepted as vital principles. They came in time to fit into the laws as previously announced.

I cannot say so much for the decisions which followed the Civil War. They stand out in some respects rather by themselves. They were tainted in some respects, in my judgment, by the passions and the hatred which existed at that time, and for which there was no remedy except time. But we are all thankful that time has erased some of the mistakes made.

I do not feel that the supposed revolutionary current decisions of the Supreme Court will in the end work to the detriment of this Government. I do not see in them the destructive tendency some do. Frightful errors are being made. That is always true in great economic upheavals.

It would be strange indeed if errors did not creep into the decisions of our highest courts. But may we not hope and may we not believe that under the sway of time and reason all serious errors will be righted and the old Republic will continue its assured course as a government of law. The people are still there, loyal in heart and steady in purpose, and above all they are devoted to our institutions. Let us have confidence in the people and faith in our institutions. The errors which come like scum to the surface in time of storm are not the criterions by which to judge the trend and worth of a nation.

Mr. BAILEY. Mr. President, I thank the Senator, and I do not know that I disagree with him about those matters. I was arguing that we had reached a stage of great uncertainty, and that the Senate has pursued a policy of instability consistently.

The foundation of recovery is stability. The first man who rises in America and gives the American people an assurance of stability in the Government will make the greatest contribution to the deliverance of this country. Those men who forever disturb the country are doing more to prolong the depression than all the other forces combined, foreign or domestic. That is what I had in mind. I was using this recent act to show how we uprooted a constitutional act and laid the foundation for a new series of actions and more uncertainty.

Now let us go back to the main point. It is proposed now that we investigate the monetary system. That is notice to everyone in the United States, everyone who has an insurance policy—and I am told there are 65,000,000 of them—notice to every man who has a bank account, to every man who has an investment, that we are now beginning to look forward to find some justification for some legislation on that subject. All I am saying is that is instability—that is disturbance. I should think that after 8 years of incessant legislating, and alterations and changes, it would occur to us that we might stop a while and see what a little silence would do for the country. After a thousand investigations we might decide to be satisfied with what we have found out and proceed on that, without trying to find something more.

I believe I will give the Senate an illustration. I inherited about a year ago a $20,000 appropriation from the Congress to investigate labor conditions in the maritime service. Two thousand five hundred dollars of the money had been contracted by my predecessor—and, of course, I speak with the utmost respect of him, and the most affectionate regard for his memory. I think I will pause to say that I believe Dr. Copeland lost his life in the service of his country. My colleagues do not know about that, but I was working alongside of him up until within 40 hours of his death, working on conference controversies. I saw him collapse, not from ill-health but from overwork. So I speak of him with the utmost reverence.

I succeeded to the chairmanship of the Committee on Commerce, and I still have this appropriation to my credit. I could have spent it. I could have plowed a furrow right through the whole labor situation in the maritime industry, and I could have advertised American ships as being in the hands of Communists, and all that. They are not. I could have had a Roman holiday here. I did not have it, and we are doing better by reason of not having it. The situation is ironing itself out. The labor situation is improving. We may make an investigation, but I am not going to spend that money just because I have a right to spend it. It is a small sum, but I am in favor of saving the small sums, as well as the big ones.

But that is not the point. I was just taking in the whole situation. The proposal comes forward in the closing days of the session for an investigation of the monetary situation. It is proposed that we make that uncertain. Everything else is uncertain; we will make that uncertain; and from now until next January the American people will be wondering what sort of monetary system they are going to have.

If one will read the literature which the propagandists are sending out he can see that we would be opening up Pandora's box. I have lived a long time now; I have lived through several depressions; and I have never yet seen a depression come upon us without every crackpot on earth coming forth and blaming the monetary system. I have seen men who were more or less reformed dipsomaniacs blame the monetary system because they were poor.

What are we to do with the monetary system? I have some money to invest, I may say, and I would like to invest it. But am I going to invest it if there is to be an operation on the monetary system? I will wait and see what is to be done with the monetary system before I risk my money, and if I do not do that, I am a fool.

So I take my good friend the chairman of the Committee on Banking and Currency at his word in this matter. I am opposed to any such investigation on the ground that it would be a further contribution to instability in a very unstable situation. Let us just let the thing lie. Let us give the country a little chance. Let us cease the constant attacks upon the existing status.

Perhaps we did need new laws, but heaven knows we have gotten them. It may be we did need new legislation. Heaven knows we have gotten 400 or 500 acts. I think now and then the passage of a law may be a good thing, but I think in order to be a good thing it has to be worked out of human experience. I have no more faith in most of this legislation as a cure for depression than I have in shin plasters as a cure for cancer, and I have no great regard for statesmanship which is reduced to but one remedy for this depression, and that is the appropriations of borrowed public money. That is about what we are reduced to, except to investigate with a view to seeing what more changes can be made.

Mr. President, that is all I have to say about the matter. I am against the resolution on the ground that it makes for instability at a time when the crying need of the country is a little assurance that men who are trying to work and trying to recover and trying to build industries will be allowed to attend to their own business under a situation in which they can have a little faith.

Mr. SHIPSTEAD. Mr. President, what is pending before the Senate?

The PRESIDENT pro tempore. The parliamentary situation is that the Senate, on motion, has taken up for consideration Senate Resolution 125. The question is on agreeing to the resolution as amended.

Mr. KING rose.

The PRESIDENT pro tempore. Does the Senator from Utah desire to discuss the resolution?

Mr. KING. There are Senators who will discuss it.

Mr. ADAMS. Mr. President, I ask if the Senator will yield to permit the reporting of the third deficiency bill from the Committee on Appropriations?

Mr. BARKLEY. Mr. President, if the matter which is pending would take long to dispose of I would not want to interfere with proceedings to consider the appropriation bill, but I thought we were about ready to dispose of the resolution, and if we could do so, then we could proceed to consider the appropriations bill.

Mr. KING. I think we had better take up the appropriation bill, Mr. President.

Mr. BARKLEY. Mr. President, let me say in that connection, supplementing what the Senator from New York has said, that it is not a matter of life and death whether this resolution is adopted or not, but the Committee on Banking and Currency unanimously reported it favorably. It provides only for $25,000 to enable the committee to make a study. It does not provide and it is not contemplated that junkets will be undertaken in the ordinary sense. It simply provides for the use of the money to make the investigation. The committee will have to have some help in making stenographic reports and probably some research on the subject. It does not represent an extravagant outlay. I think it might be helpful to the Senate to have a consideration of this subject, in view of the fact that there are half a dozen or more bills and resolutions pending in the Senate providing for investigations of various kinds dealing with the monetary question. It might be very valuable and helpful in allaying a good deal of agitation if the committee could indulge in this work between now and the next session. I hope the Senator from Utah will not object to its passage.

Mr. KING. Mr. President, the Senator from Utah feels that this is no time to engage in a survey of the money question. We have surveyed it and studied it. We have all the information that is available. I think we had better proceed to consider the appropriation bill. Otherwise I shall have to take the floor on the resolution.

Mr. WAGNER. Mr. President, may I inquire what the parliamentary situation is?

The PRESIDENT pro tempore. The question is on agreeing to Senate resolution 125, as amended.

Mr. WAGNER. Mr. President, if the deficiency bill is taken up for consideration now it simply means that the consideration of the resolution will be temporarily laid aside?

The PRESIDENT pro tempore. If by unanimous consent the resolution is temporarily laid aside, it will not lose its position. It will still be the unfinished business before the Senate.

Mr. PEPPER. Mr. President, what is the position of Senate resolution 125?

The PRESIDENT pro tempore. The Chair has stated that Senate resolution 125, as amended, is before the Senate for adoption or for further amendments. The Senator from Colorado [Mr. ADAMS] desires to report the third deficiency appropriation bill and to ask for its present consideration.

MESSAGES FROM THE PRESIDENT

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

THIRD DEFICIENCY APPROPRIATION

Mr. ADAMS. Mr. President, from the Committee on Appropriations I report favorably, with amendments, the bill (H. R. 7462) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1939, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1939, and

June 30, 1940, and for other purposes, and I submit a report (No. 1138) theeron.

The PRESIDENT pro tempore. The report will be received without objection.

Mr. ADAMS. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to consider the third deficiency bill.

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

There being no objection the Senate proceeded to consider the bill (H. R. 7462) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1939, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1939, and June 30, 1940, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. ADAMS. Mr. President, in this connection it should be said to the Members of the Senate that in an effort to expedite the closing of the session we are submitting the original copy of the bill. There are not available printed copies of the bill. We have the House bill and the amendments on this copy. I want Senators to understand the situation.

Mr. AUSTIN. Mr. President, the members of the committee who are of the minority of the Senate, who have considered this bill, have indicated to me that under the circumstances that method is satisfactory to them. I am glad to make that statement and to say that I have no desire to interpose an objection to such procedure, under the circumstances.

The PRESIDENT pro tempore. The clerk will state the first committee amendment.

The CHIEF CLERK. On page 2, after line 2, it is proposed to insert——

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

Mr. ADAMS. I yield.

Mr. KING. I ask the Senator from Colorado, if a brief explanation of the changes were submitted, whether it would not facilitate the consideration of the bill?

Mr. ADAMS. I will say to the Senator, if Senators will pardon me for speaking from this place in front of the clerk's desk, that I must stay where I can have contact with the only existing copy of the bill. There is no continuity about the bill—that is, there is a series of changes upon different subjects—and I do not think much would be accomplished by an effort to anticipate. I think rather it would save time to take each amendment, as it is reached and read by the clerk, and make the explanation at that point. There is this general statement to be made: That the House bill appropriated some $53,000,000 or $54,000,000. The Senate committee is recommending a very substantial increase. I think the increase recommended by the Senate committee will aggregate $130,000,000. The major item is $119,000,000 to restore the capital of the Commodity Credit Corporation.

Mr. KING. Mr. President, I regret very much that that amendment has been reported by the committee.

Mr. SMITH. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SMITH. As these amendments come up and explanation is given by the chairman of the subcommittee, is it contemplated that we shall vote on them, or what is the proposed procedure?

The PRESIDENT pro tempore. The Chair will say that that is the parliamentary practice.

Mr. ADAMS. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments of the committee be first considered.

The PRESIDENT pro tempore. Is there objection?

Mr. SMITH. Mr. President, what was the request?

The PRESIDENT pro tempore. That the Senate proceed to the consideration of the committtee amendments first, and that the bill will then be open to general amendment.

Mr. DANAHER. Mr. President, reserving the right to object, I seek to ask a question before that motion is acted on. I should like to ask the Senator from Colorado if he will yield to me for the purpose of asking whether or not anything was done with reference to the F. H. A. item?

Mr. ADAMS. The item dealing with the F. H. A. was increased in accordance with the F. H. A. request.

Mr. DANAHER. The reason, of course, was that when the committee restored title 1 to the F. H. A. bill the appropriation bill had already been reported.

Mr. ADAMS. The F. H. A. asked for one and a half million dollars—$500,000 under title 1 and $1,000,000 under title 2.

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

Mr. PEPPER. Mr. President, may we have order in the Chamber, and will Senators speak loud enough so those of us who have places in the back of the Chamber may hear?

Mr. LA FOLLETTE. Mr. President, I not only wish to second the request made by the Senator from Florida for order in the Chamber, but I also wish to request that the clerks and the Senate proceed reasonably slowly with the amendments on this bill, because Senators not members of the committee are under the disadvantage of not having a printed copy of the bill showing the committee amendments.

The PRESIDENT pro tempore. There is disorder both in the Chamber and in the galleries. The Chair has been trying for some time to stop conversation in both places so the Chair may hear fully the request of Senators, which he cannot now do.

Mr. AUSTIN. Mr. President, will the Senator from Colorado yield for a question?

Mr. ADAMS. I yield.

Mr. AUSTIN. Does the House committee print form a basis for following the amendments to be now stated?

Mr. ADAMS. It will be an accurate basis.

Mr. BYRNES. Mr. President, I wanted to suggest to Members of the Senate that if they would secure copies of the House bill they would be enabled more easily to follow the amendments which are now to be read by the clerk. The bill is H. R. 7462.

The PRESIDENT pro tempore. The clerk will state the first committee amendment.

The first committee amendment was on page 2, after line 2, to insert:

Clerical assistants to Senators: Ninety-six additional clerks at $1,800 per annum each, one for each Senator (in lieu of the assistant clerks now authorized by S. Res. 144, agreed to August 15, 1935, which resolution is repealed as of January 1, 1940) for the period January 1, 1940, to June 30, 1940, $86,400.

The amendment was agreed to.

The next amendment was, under the heading "Title I—General appropriations—legislative", on page 2, after the amendment just agreed to, to insert:

SENATE

Ninety-six additional clerks at $1,500 per annum each, one for each Senator, for the period January 1, 1940, to June 30, 1940, $72,000.

Twenty-four additional clerks at $1,500 per annum each, one for each Senator from each State which has a population of 3,000,000 or more inhabitants, for the period January 1, 1940, to June 30, 1940, $18,000.

Office of Sergeant-at-Arms and Doorkeeper: For an amount required to increase the compensation of the clerk to the secretary of the majority and the clerk to the secretary of the minority $480 each per annum, fiscal year 1940, $960.

For 21 pages for the Senate Chamber at the rate of $4 each per day during the month of August, 1939, $2,604.

Contingent expenses: For miscellaneous items, exclusive of labor, fiscal year 1939, $30,000.

The amendment was agreed to.

The next amendment was, under the subhead "Government Printing Office," on page 3, after line 17, to insert:

For payment to Preston L. George, William S. Houston, John G. Nalley, and William H. Wannall, messengers on night duty during the first session of the Seventy-sixth Congress, $900 each; in all, $3,600, to be paid from the appropriation for printing and binding for Congress for the fiscal year 1940.

The amendment was agreed to.

The next amendment was, under the heading "Executive—Independent Establishments—Civil Aeronautics Authority", on page 4, line 25, after the words "in all", to strike out "$3,000,000" and insert "$5,675,000"; so as to read:

Civilian pilot training: For all necessary expenses of the Civil Aeronautics Authority during the fiscal year 1940 in carrying out the duties, powers, and functions devolving upon it pursuant to the authority contained in the Civilian Pilot Training Act of 1939 (Public, No. 153, approved June 27, 1939), including personal services and rentals in the District of Columbia and elsewhere; traveling expenses; purchase and exchange, operation, maintenance, repair, and overhaul of aircraft; purchase and exchange, hire, maintenance, repair, and operation of passenger-carrying automobiles; purchase and exchange of professional and scientific books, books of reference, atlases, maps, and periodicals; in all, $5,675,000:

The amendment was agreed to.

The next amendment was, under the heading "Federal Loan Agency", on page 5, line 24, after the word "exceed", to strike out "$333,000" and insert "$500,000" and in line 25, after the word "and", to strike out "$667,000" and insert "$1,000,000"; so as to read:

FEDERAL LOAN AGENCY

FEDERAL HOUSING ADMINISTRATION

Administrative expenses: In addition to the funds made available to the Federal Housing Administration for administrative expenses by the Independent Offices Appropriation Act, 1940, not to exceed $500,000 of the mutual mortgage insurance fund and $1,000,000 from the account in the Treasury comprised of funds derived from premiums collected under authority of section 2 (f), title I, of the National Housing Act, as amended by the act of June 3, 1939, are hereby made available for administrative expenses of said Administration for the fiscal year 1940, including the same objects specified under this head in the Independent Offices Appropriation Act, 1940.

The amendment was agreed to.

The next amendment was, under the heading "Public Health Service", on page 7, after line 12, to insert:

Grants to States for public health work: For an additional amount for the purpose of assisting States, counties, health districts, and other political subdivisions of the States in establishing and maintaining adequate public health services, including the same objects specified under this head in the Treasury Department Appropriation Act, 1940, $3,000,000: *Provided,* That the amount specified herein shall not be available for expenditure unless and until the increased authorization for grants to States for the purposes of section 601 of the Social Security Act, contained in H. R. 6635, Seventy-sixth Congress, is enacted into law.

Disease and sanitation investigations: For an additional amount for carrying out the purposes of section 603 of the Social Security Act and section 1 of the act of August 14, 1912, including the same objects and subject to the same limitations specified under this head in the Treasury Department Appropriation Act, 1940, and including the pay and allowances of not to exceed five additional regular active commissioned officers, $81,000: *Provided,* That the amount specified herein shall not be available for expenditure unless and until the increased authorization for grants to States for the purposes of section 601 of the Social Security Act, contained in H. R. 6635, Seventy-sixth Congress, is enacted into law.

The amendment was agreed to.

The next amendment was, on page 8, under the heading "Social Security Board", to insert:

Salaries and expenses: For an additional amount for salaries and expenses, Social Security Board, fiscal year 1940, including the same objects and subject to the same limitations specified under this head in the Independent Offices Appropriation Act, 1940, $2,500,000: *Provided,* That the Board may expend not to exceed $100,000 of the sums appropriated for the procurement of information relating to the death of individuals entitled to benefits, receiving benefits, or upon whose death some other individual may become entitled to benefits, under title II of the Social Security Act, as amended, from proper State and local officials, including officials of the District of Columbia, Alaska, and Hawaii, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5): *Provided further,* That employees of the Bureau of Old-Age Insurance when engaged in the investigation of claims or the furnishing or securing of information concerning claims or wage records under title II of the Social Security Act, as amended, may be reimbursed for official travel performed by them in privately owned automobiles within the corporate limits of their official stations at a rate not to exceed 3 cents per mile: *Provided further,* That the amount specified herein shall not be available unless and until the amendments to title II of the Social Security Act contained in H. R. 6635, Seventy-sixth Congress, are enacted into law.

The amendment was agreed to.

Mr. KING. Mr. President, I should like to ask the Senator from Colorado [Mr. ADAMS] a question. Does the Senator believe that this additional $2,000,000 plus is required, in view of the fact that the bill itself carries $12,500,000?

Mr. ADAMS. I will say to the Senator that my own information is very scanty. As one member of the committee, I have relied upon the recommendations of the Budget Director and upon the representations of those like the Senator, who are members of the Finance Committee. The social-security bill is in conference, and these provisions are all conditioned upon the approval of the conference report and the final enactment of the bill. I cannot answer as to the details and facts, because I, as well as the committee, have largely had to accept the recommendations which came from those who were supposed to know.

Mr. KING. I might add to the statement the Senator has just made that the conferees upon the social-security bill, which has been in conference for approximately 20 days, have signed the report, and the bill will be reported to the House, probably this afternoon.

The PRESIDENT pro tempore. The question is on agreeing to the amendment on page 8.

The amendment was agreed to.

The next amendment was, under the heading "Federal Works Agency," on page 8, after line 19, to insert:

Construction of public buildings outside the District of Columbia: For further carrying out the program for the acquisition of sites and construction of public buildings authorized by the paragraph under the caption "Emergency construction of public buildings outside the District of Columbia," contained in the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937 (50 Stat. 772), and increased by the Federal Public Buildings Appropriation Act of 1938, approved June 21, 1938, $1,000,000.

The agreement was agreed to.

The next amendment was, on page 9, after line 7, to insert:

PUBLIC ROADS ADMINISTRATION

Inter-American Highway: For the continuation of cooperation with the several governments, members of the Pan-American Union, in connection with the survey and construction of the inter-American highway as provided in Public Resolution No. 104, approved March 4, 1929 (45 Stat. 1697), as amended or supplemented, and for performing engineering service in Pan-American countries for and upon the request of any agency or governmental corporation of the United States, the Public Roads Administration is hereby authorized to expend not to exceed $40,000 to pay all costs incurred for such work from the administrative funds provided under the act of July 11, 1916 (23 U. S. C. 21), as amended or supplemented, or as otherwise provided.

Mr. LA FOLLETTE. Mr. President, may I ask the Senator from Colorado, with regard to the various increased authorizations which were made by the Senate in the amendments to the Social Security Act, with relation to public health, increased grants for the care of maternal and child health, and for vocational rehabilitation, whether or not the committee in all instances incorporated in the bill the Budget recommendations with regard to the items I have mentioned, contingent upon the enactment of those amendments into law?

Mr. ADAMS. I believe that in each instance the Budget estimate was incorporated in the bill literally as it came to us from the Bureau of the Budget.

Mr. McKELLAR. Without any change whatsoever.

Mr. LA FOLLETTE. I thank the Senator.

The PRESIDENT pro tempore. The question is on agreeing to the amendment on page 9, after line 7.

The amendment was agreed to.

The next amendment was, on page 9, after line 25, to insert:

ONE HUNDRED AND TWENTY-FIFTH ANNIVERSARY OF THE WRITING OF THE STAR-SPANGLED BANNER

To provide for participation by the United States in the celebration to be held at Fort McHenry on September 14, 1939, in celebration of the one hundred and twenty-fifth anniversary of the writing of The Star-Spangled Banner, as authorized by Public Resolution No. —, approved August —, 1939, fiscal year 1940, $5,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 21, to insert:

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

For an additional amount for each and every purpose requisite for and incident to the work of the National Capital Park and Planning Commission necessary toward carrying into effect the provisions of the act entitled "An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital," approved May 29, 1930; personal services, including real estate and other technical services, at rates of pay to be fixed by the Commission and not exceeding those usual for similar services and without reference to civil-service rules and the Classification Act of 1923, as amended; travel expenses; expenses of surveys and searching of titles, purchase of options, and all other costs incident to the acquisition of land; operation and maintenance of passenger-carrying vehicles for official use; fiscal year 1940, $150,000, to be expended in carrying out the provisions of section 1 (a) of said act, and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 10, after the amendment just agreed to, to insert:

SECURITIES AND EXCHANGE COMMISSION

For an additional amount for five Commissioners and other personal services in the District of Columbia, and for all other authorized expenditures of the Securities and Exchange Commission in performing the duties imposed by or in pursuance of law, including the employment of experts when necessary, fiscal year 1940, $110,000, including the same objects specified under this head in the Independent Offices Appropriation Act, 1940.

The amendment was agreed to.

The next amendment was, on page 11, line 12, under the heading "United States Coronado Exposition," to strike out "$175,000" and insert "$250,000" so as to read:

For all expenses necessary to carry out the provisions of the act entitled "An act authorizing Federal participation in the commemoration and observance of the four-hundredth anniversary of the explorations of Francisco Vasquez de Coronado," approved July 17, 1939, including personal services in the District of Columbia and elsewhere without reference to the Classification Act of 1923, as amended, and printing and binding, $250,000, to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 11, to strike out lines 14 to 25 and lines 1 to 5, both inclusive, on page 12, as follows:

UNITED STATES CONSTITUTION SESQUICENTENNIAL COMMISSION

For compiling and publishing a history of the formation, the signing, the ratification, and the establishment of the Constitution, including such historical facts and data as the Commission may deem pertinent relative to the commencement of the First Congress of the United States under the Constitution; the proceedings and ceremonies in connection with the inauguration of George Washington as the first President of the United States under the Constitution; the adoption and ratification of the Bill of Rights, and the first meeting of the Supreme Court of the United States; including therein also a final report of the activities of the Commission during the Nation-wide observance of the one hundred and fiftieth anniversary of the formation, ratification, and establishment of the Constitution, fiscal year 1940, $40,000.

Mr. KING. I inquire if further on in the bill there is any appropriation carried for this item.

Mr. BYRNES. No; there is nothing else in the bill about it.

Mr. KING. Is there any reason for this item being eliminated?

Mr. BYRNES. The committee was of the opinion that at sometime, somewhere, the appropriation for this purpose should come to an end.

Mr. KING. I agree with the Senator.

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

The amendment was agreed to.

The next amendment was, on page 20, after line 12, under the subhead "Settlement of Claims", to insert:

For the payment of the claim of M. M. Kite, a private in the Metropolitan Police Department, District of Columbia, covering pay for the period in which he was under suspension—namely, March 1 to May 31, 1939, inclusive, under authority of the act of February 11, 1929, as amended by the act of June 5, 1930, $600.

The amendment was agreed to.

The next amendment was, on page 22, after line 24, to insert the heading:

Department of Agriculture.

The amendment was agreed to.

The next amendment was, on page 22, after line 24, after the amendment last agreed to, to insert:

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

Mormon-cricket control research activities: For an additional amount for Mormon-cricket-control research activities at the cricket research laboratory at Bozeman, Mont., fiscal year 1940, $6,500.

The amendment was agreed to.

The next amendment was, following the amendment last agreed to, to insert:

AGRICULTURAL MARKETING SERVICE

United States Warehouse Act: For an additional amount to enable the Secretary of Agriculture to carry into effect the provisions of the United States Warehouse Act, fiscal year 1940, $35,000, of which not to exceed $3,200 may be expended for personal services in the District of Columbia, and not to exceed $6,500 for the purchase of passenger-carrying vehicles.

The amendment was agreed to.

The next amendment was, on page 28, to strike out lines 1 to 8 inclusive, as follows:

Purchase of land for Colville Indians, Washington (tribal funds): For the purchase of land and improvements thereon for the Colville Indians, Washington, fiscal year 1940, to remain available until June 30, 1941, $100,000, payable from funds on deposit to the credit of the Colville Indians: *Provided*, That title to any land and improvements so purchased shall be taken in the name of the United States in trust for the Colville Indians.

The amendment was agreed to.

The next amendment was, on page 30, to strike out lines 1 to 19, inclusive, as follows:

CONSERVATION AND HEALTH

Reindeer industry, Alaska: For the purchase, in such manner as the Secretary of the Interior shall deem advisable, of reindeer, abattoirs, cold-storage plants, corrals and other buildings, and communication and other equipment, owned by nonnatives in Alaska, as authorized by the act of September 1, 1937 (50 Stat. 900), $720,000; and for necessary administrative expenses in connection with such purchase and the establishment and development of the reindeer industry for the benefit of the Eskimos and other natives of Alaska, as authorized by said act, including personal services in the District of Columbia (not to exceed $2,300) and elsewhere, traveling expenses, erection, repair, and maintenance of corrals, fences, and other facilities, $75,000; in all, fiscal year 1940, $795,000: *Provided*, That under this appropriation not exceeding an average of $4 per head shall be paid for reindeer purchased from nonnative owners: *Provided further*, That the foregoing limitation shall not apply to the purchase of reindeer located on Nunivak Island.

The amendment was agreed to.

The next amendment was, under the subhead "General Support and Administration," on page 31, after line 21, to insert:

Western or Old Settler Cherokees: For the relief of the Western or Old Settler Cherokees, as authorized by the bill S. 2261, entitled "An act for the relief of the Western or Old Settler Cherokees, and for other purposes," Seventy-sixth Congress, fiscal year 1940, $6,416.42.

The amendment was agreed to.

The next amendment was, on page 34, under the subheading "Bureau of Reclamation," to insert:

Operation and maintenance administration: For an additional amount for general administration of reclamation projects, $20,000, from the reclamation fund, special fund, fiscal year 1940, to be expended for the same purposes and under the same conditions specified under this head in the Interior Department Appropriation Act, 1940.

The amendment was agreed to.

The next amendment was, on page 37, after line 2, to insert:

NATIONAL PARK SERVICE

Hot Springs National Park: For an additional amount to carry out the purposes of the act of June 15, 1936, as amended (relating to the extension of the boundaries of the Hot Springs National Park, Ark.), fiscal year 1940, $8,000.

The amendment was agreed to.

The next amendment was, after the last amendment agreed to, to insert the following:

Kennesaw Mountain National Memorial Military Park: For the acquisition of additional lands for the Kennesaw Mountain National

Memorial Military Park as authorized by the act entitled "An act to amend the act approved June 26, 1935, entitled 'An act to create a national memorial military park at and in the vicinity of Kennesaw Mountain in the State of Georgia, and for other purposes,'" approved August —, 1939, fiscal year 1940, $55,000.

The amendment was agreed to.

The next amendment was, after the amendment last agreed to, to insert the following:

National military parks, battlefields, monuments, and cemeteries: For an additional amount for national military parks, monuments, and cemeteries for the construction of an administration-museum building in the Kings Mountain National Military Park in South Carolina, including the purchase of furniture and museum cases, the preparation of exhibits for installation therein, and the construction of other necessary administration buildings or residences, fiscal year 1940, $40,000.

The amendment was agreed to.

The next amendment was, on page 38, line 25, under the heading "Department of Labor, Office of the Secretary", to strike out "$15,500" and insert "$21,750."

Mr. BRIDGES. Mr. President, I ask to what does that item refer in the office of the Secretary of Labor?

Mr. ADAMS. It refers to contingent and miscellaneous expenses of the Labor Department as specified in the Department of Labor Appropriations Act.

Mr. BRIDGES. Does the Senator mean by the "Department of Labor Act" the Wage and Hour Act, or does he refer to the various other activities of the Labor Department?

Mr. ADAMS. I suggest that the clerk read the provision.

The legislative clerk read as follows:

Contingent expenses: For an additional amount for contingent and miscellaneous expenses of the offices and bureaus of the Department, including the same objects and under the same conditions specified in the Department of Labor Appropriation Act, 1940, $21,750.

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

The amendment was agreed to.

The next amendment was, on page 39, line 9, to strike out "$227,000" and insert "$339,500", so as to read:

Traveling expenses: For an additional amount for traveling expenses, except traveling expenses incident to the deportation of aliens under the Department of Labor, fiscal year 1940, $339,500.

Mr. BRIDGES. Does that item have reference to the wage and hour law?

Mr. ADAMS. It has reference to the Wage and Hour Act. It is a provision for additional traveling expenses, which it is felt is required in enforcing the act.

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

The amendment was agreed to.

The next amendment was, on page 39, after line 17, under the subhead "Immigration and Naturalization Service," to insert:

Transporting Filipinos to the Philippine Islands: The unexpended balance of the appropriation of $150,000 contained in the First Deficiency Appropriation Act, fiscal year 1937, for all authorized expenditures necessary to enable the Secretary of Labor to administer the provisions of the act of July 10, 1935 (49 Stat. 478), as amended, and continued available for the same purposes during the fiscal year ending June 30, 1938, and to and including December 31, 1938, by the First Deficiency Appropriation Act, 1938, is hereby further continued available during the fiscal year ending June 30, 1940, and to and including December 31, 1940, to enable the Secretary of Labor to administer the provisions of the act of July 27, 1939.

Mr. BRIDGES. Mr. President, do I understand from the chairman of the subcommittee that this provision will allow the department to send back to the Philippines Filipinos who are here illegally? Why should we pay their expenses?

Mr. ADAMS. No. They are in part here legally, and under this provision Filipinos in the United States are being returned to their homes. The policy has been carried on for several years, and this item makes available the existing appropriation for the current year. It does not increase any appropriation or change the purpose of the law.

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

The amendment was agreed to.

Mr. SMITH. Mr. President, I ask the chairman of the subcommittee what is the total increase in the Senate bill over the appropriations contained in the bill as passed by the other House?

Mr. ADAMS. Roughly, I think the increase is $131,000,000.

Mr. SMITH. That is the increase over the appropriations provided by the House?

Mr. ADAMS. Yes, sir.

Mr. SMITH. Including all items?

Mr. ADAMS. That is correct.

Mr. McKELLAR. I will say to the Senator from South Carolina that of that amount $119,000,000 are for the Commodity Credit Corporation.

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

The amendment was agreed to.

The next amendment was, on page 39, under the subhead "Children's Bureau," to insert the following:

Salaries and expenses, maternal and child welfare, Children's Bureau: For an additional amount for all authorized and necessary administrative expenses of the Children's Bureau in performing the duties imposed upon it by title V of the Social Security Act, approved August 14, 1935, as amended, including the same objects specified under this head in the Department of Labor Appropriation Act, 1940, fiscal year 1940, $15,000.

The amendment was agreed to.

The next amendment was, after the amendment last agreed to, to insert the following:

Grants to States for maternal and child-health services, Children's Bureau: For an additional amount for grants to States for the purpose of enabling each State to extend and improve services for promoting the health of mothers and children, as authorized in title V, part 1, of the Social Security Act, approved August 14, 1935, as amended: *Provided*, That an allotment to a State pursuant to section 502 (b), as amended, shall not be included in computing for the purposes of subsections (a) and (b) of section 504 an amount expended or estimated to be expended by the State, fiscal year 1940, $1,510,000.

The amendment was agreed to.

The next amendment was, following the amendment last agreed to, to insert:

Grants to States for services for crippled children, Children's Bureau: For an additional amount for the purpose of enabling each State to extend and improve services for crippled children, as authorized in title V, part 2, of the Social Security Act, approved August 14, 1935, as amended, fiscal year 1940, $760,000.

The amendment was agreed to.

The next amendment was to insert, following the amendment last agreed to, the following:

Grants to States for child-welfare services, Children's Bureau: For an additional amount for grants to States for the purpose of enabling the United States, through the Children's Bureau, to cooperate with State public-welfare agencies in establishing, extending, and strengthening public-welfare services for the care of homeless or neglected children, or children in danger of becoming delinquent, as authorized in title V, part 3, of the Social Security act (42 U. S. C., 721), as amended, fiscal year 1940, $5,000.

The amendment was agreed to.

Mr. KING. Mr. President, is the same condition annexed to this appropriation as well as to the preceding one?

Mr. ADAMS. There is a blanket condition referring back to three or four of these items. I ask the clerk to state the amendment.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. Following the amendment last agreed to, it is proposed to insert the following:

The foregoing items of appropriations for the Children's Bureau shall not be available for expenditure unless and until the proposed amendments to title V of the Social Security Act, as contained in H. R. 6635, are enacted into law.

In the administration of title V of the Social Security Act, as amended, for the fiscal year 1940, payments to States for any quarter of the fiscal year 1940 under parts 1, 2, and 3 may be made with respect to any State plan approved under such respective parts by the Chief of the Children's Bureau prior to or during such quarter, but no such payment shall be made with respect to any plan for any period prior to the quarter in which such plan is submitted to the Chief of the Children's Bureau for approval.

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

The amendment was agreed to.

The next amendment was, on page 40, under the subhead "Wage and Hour Division", in line 19, to strike out "$762,500" and insert "$1,143,750", so as to read:

Salaries: For an additional amount for all personal services for the Wage and Hour Division in performing the duties imposed upon it by the Fair Labor Standards Act of 1938, fiscal year 1940, $1,143,750.

Mr. PEPPER. Mr. President, I ask the chairman of the subcommittee to state the amount which the Senate committee added to the amount appropriated by the House.

Mr. ADAMS. Approximately $400,000.

Mr. PEPPER. May I ask the chairman a further question? In order to offer an amendment to appropriate the amount of the Budget estimate—that is, $2,000,000—what should be the variation of the figure? I desire to offer an amendment for that purpose.

Mr. ADAMS. I think the fact is that the bill as reported appropriates the entire $2,000,000. When the different items are cumulated, I think the Senator will find that the $2,000,000 is included.

Mr. McKELLAR. That is true.

Mr. PEPPER. I do not want to have any misunderstanding about the matter. Of course, I will accept the assurances of the very able Senators from Colorado and Tennessee. The Senators know what happened. Two million dollars was requested by the Budget Bureau, but only $1,000,000 of the $2,000,000 requested by the Budget Bureau was allowed by the House. Then the witnesses came before the Senate Appropriations Committee and asked for the remaining $1,000,000. Do the Senators say that that request was granted and is embodied in the bill?

Mr. ADAMS. That was the intention of the Senate committee, and I think it is the fact.

Mr. PEPPER. I thank the Senator.

The PRESIDENT pro tempore. The clerk will state the next amendment reported by the committee.

The next amendment of the Committee on Appropriations was, under the heading "Navy Department, Office of the Secretary", on page 41, line 12, after the word "in", to insert "Senate Document Numbered 103, and"; and in line 13, after the word "Congress", to strike out "$341.93" and insert "$4,183.93", so as to read:

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the Act entitled "An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels," approved December 28, 1922, as fully set forth in Senate Document Numbered 103, and House Document Numbered 413, Seventy-sixth Congress, $4,183.04.

The amendment was agreed to.

The next amendment was, on page 41, after line 13, to insert:

The applicable appropriations provided for the naval establishment for the fiscal year 1940 are hereby made available for expenditure, in the discretion of the Secretary of the Navy, for chartering and commissioning the S. S. *Bear* as a vessel of the United States Navy for the purposes of the survey of the Antarctic regions to be made by the United States Antarctic Service as authorized by the Urgent Deficiency and Supplemental Appropriation Act, fiscal years 1939 and 1940, approved June 30, 1939, Public No. 160, 76th Congress: *Provided*, That such expenditures shall be in addition to the amounts appropriated for this purpose for the Department of the Interior under the head of "Expenses, Division of Territories and Island Possessions" in the Second Deficiency Appropriation Act, fiscal year 1939, approved May 2, 1939, and the Urgent Deficiency and Supplemental Appropriation Act, fiscal years 1939 and 1940, approved June 30, 1939.

The amendment was agreed to.

The next amendment was, on page 43, after line 5, to strike out:

BUREAU OF AERONAUTICS

Aviation, Navy: For an additional amount for aviation, fiscal year 1940, as follows: Toward the construction of a rigid airship authorized by the act approved May 17, 1938 (52 Stat. 401), $300,000, and, in addition, the Secretary of the Navy is hereby authorized to enter into obligations for this purpose to an amount not in excess of $1,700,000.

The amendment was agreed to.

The next amendment was, under the heading "Marine Corps", on page 43, after line 20, to insert:

Alterations to naval vassels: For an additional amount under this appropriation title, as contained in the Naval Appropriation Act for the fiscal year ending June 30, 1940, to acquire and convert two motor vessels, as authorized by section 2 of the act approved July 25, 1939 (Public, No. 212, 76th Cong.), fiscal year 1940, $2,500,000, to remain available until expended.

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

Mr. ADAMS. I yield.

Mr. KING. Was any additional evidence adduced before the Senator's committee which was not brought before the committee in the House when it considered this item?

Mr. ADAMS. The Acting Secretary of the Navy, Mr. Charles Edison, appeared in advocacy of the amendment.

Mr. BYRNES. Mr. President, the matter arose after the House passed the bill. That was the reason for the action that was taken.

Mr. KING. I will state to the able Senator from South Carolina that I assume that most of these augmentations were the result of evidence which was not brought before the House committee.

Mr. BYRNES. And because it was shown that the necessity had arisen after the House acted. I will add that many requests were refused because those making them could not make such a showing.

Mr. ADAMS. I will say to the Senator that the committee sat long hours and heard many, many individuals who came before it in reference to the various matters. It was really a more extensive hearing than is often had, and no one was denied an opportunity to come.

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

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment reported by the committee.

The next amendment was, on page 46, line 1, after the heading "Department of State," to insert:

OFFICE OF THE SECRETARY

Claims for personal injury and death arising in foreign countries, act of February 13, 1936, Department of State: To pay a claim for injury and death adjusted and determined by the Secretary of State under the provisions of the act entitled "An act to provide for the adjustment and settlement of personal injury and death cases arising in certain foreign countries," approved February 13, 1936, as fully set forth in Senate Document No. 104, Seventy-sixth Congress, $750.

The amendment was agreed to.

The next amendment was, on the same page, after line 16, to insert:

Payment to Government of Panama: For payment to the Government of Panama for the fiscal years 1934 to 1940, both inclusive, in accordance with the provisions of the treaty signed between the United States and Panama on March 2, 1936, $2,010,000, together with the unexpended balance of $250,000 for this purpose for each of the fiscal years 1939 and 1940, and the amount of $250,000 from each of the accounts "Outstanding Liabilities, 1937," and "Outstanding Liabilities, 1938." Checks drawn on the Treasurer of the United States for payment to the Government of Panama dated February 24, 1934, February 26, 1935, February 26, 1936, February 26, 1937, February 26, 1938, and February 27, 1939, Nos. 27530, 34602, 48769, 63123, 67232, and 70612, respectively, shall be canceled and the amount of check No. 70612 shall be credited to the appropriation from which drawn.

The amendment was agreed to.

The next amendment was, under the heading "Miscellaneous", on page 46, line 24, after the word "fiscal", to strike out "year" and insert "years 1939 and", so as to read:

Agrarian Claims Commission, United States and Mexico: For the expenses of participation by the United States in the settlement of claims of citizens of the United States against the Government of Mexico on account of expropriations of agrarian properties since August 30, 1927, as authorized by and in accordance with the act of April 10, 1939, fiscal years 1939 and 1940, $85,000.

Mr. KING. Mr. President, that item, as I recall, refers to the so-called Agrarian Claims Commission.

Mr. ADAMS. That is correct.

Mr. KING. May I ask the Senator, what has become of the two commissions which were set up a number of years ago? My understanding is that both of those commissions have ceased to function and that no other commission is now in existence. Am I right in that?

Mr. ADAMS. I understand that a new commission was created by the present Congress.

Mr. KING. What claims were they to consider—the expropriation of oil lands as well as farm lands?

Mr. ADAMS. I do not think the jurisdiction of the commission included oil lands. I think it was intended to include just agrarian lands—that is, farm lands and grazing lands. I am speaking without any recent familiarity with the statute.

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

The amendment was agreed to.

The next amendment was, on page 46, after line 24, to insert:

Second Inter-American Radio Conference, Santiago, Chile: For the expenses of participation by the United States in the Second Inter-American Radio Conference, to be held at Santiago, Chile, in 1940, including personal services in the District of Columbia or elsewhere, without regard to the Classification Act of 1923, as amended; stenographic reporting, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); communication service; rent; travel expenses; local transportation; transportation of things; hire, maintenance, and operation of motor-propelled passenger-carrying vehicles; purchase of necessary books, documents, newspapers, periodicals, and maps; stationery; equipment; official cards; entertainment; printing and binding; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, to be expended under the direction of the Secretary of State, fiscal year 1940, $16,000.

The amendment was agreed to.

The next amendment was, on page 46, after the amendment just agreed to, to insert:

Meeting of Treasury Representatives, Guatemala, Guatemala: For the expenses of participation by the United States in the Meeting of Treasury Representatives, to be held at Guatemala, Guatemala, in 1939, including personal services in the District of Columbia or elsewhere, without regard to the Classification Act of 1923, as amended; stenographic reporting, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); communication service; rent; travel expenses; local transportation; transportation of things; hire, maintenance, and operation of motor-propelled passenger-carrying vehicles; purchase of necessary books, documents, newspapers, and periodicals; stationery; equipment; official cards; entertainment; printing and binding; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, to be expended under the direction of the Secretary of State, fiscal year 1940, $2,750.

The amendment was agreed to.

The next amendment was, under the head "Treasury Department, Office of the Secretary", on page 47, after line 2, to insert:

Restoration, capital impairment, Commodity Credit Corporation: To enable the Secretary of the Treasury, on behalf of the United States, to restore the amount of the capital impairment of the Commodity Credit Corporation as of March 31, 1939, by contribution to the Corporation as provided by the act approved March 8, 1938 (Public, No. 442, 75th Cong.), fiscal year 1940, $119,599,918.05.

Mr. VANDENBERG. Mr. President——

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

Mr. ADAMS. I do.

Mr. VANDENBERG. Can the Senator give me a general estimate of the total appropriations made at this session for agricultural purposes?

Mr. ADAMS. The Senator cannot.

Mr. VANDENBERG. Will the Senator just make a stab at it? It is a very large subject, and a stab might hit it.

Mr. ADAMS. Notwithstanding the fact that it is a large subject——

Mr. VANDENBERG. It is a large sum. I would like to know about what it is.

Mr. ADAMS. I am going to ask the Senator to excuse me from making an estimate.

Mr. KING rose.

Mr. VANDENBERG. Is the Senator from Utah prepared to testify?

Mr. KING. It is over $1,460,000,000.

Mr. VANDENBERG. I understood it was about a billion and a half dollars.

Mr. KING. That does not include, as I recall, perhaps a hundred million or a hundred and fifty million dollars which will accrue to the fund from customs duties, which automatically will be transferred to this department.

Mr. ADAMS. The Agricultural Appropriation bill I think carried roughly a billion and a quarter dollars.

Mr. VANDENBERG. Do I understand that, although the distinguished Secretary of Agriculture has a billion and a half dollars to spend on his divers and sundry schemes for saving the farmer, he asserts that unless he has this final $113,000,000 he cannot possibly save them?

Mr. ADAMS. I do not believe I am quite qualified to relate to the Senator what the Secretary of Agriculture may have said. He has said before the committee that unless this appropriation were made, he was apprehensive there would be a very serious decline in agricultural commodities.

Mr. VANDENBERG. That is what I understood he said. What I want to know is, if he is going to use this $119,000,000 to sustain prices, what is he going to use the other billion and a half for?

Mr. McKELLAR. Mr. President, it is provided by Congress what he must do with it, and this amount is necessary in order to hold up the prices of wheat, corn, and cotton under acts of Congress which he is required to execute.

Mr. VANDENBERG. I thought he was going to hold those prices up by making loans.

Mr. McKELLAR. No; it was not that way at all. I am not sure but that the Senator voted for the bill in 1938.

Mr. VANDENBERG. It does not make the slightest difference what I voted for; I am trying to find out what is going on.

Mr. McKELLAR. The loans were for the purpose of stabilizing the prices of cotton, corn, and wheat.

Mr. VANDENBERG. I have not sufficient evidence to enable me to say that that will not work, or whether the problem will have to be met through this device, or this $119,000,000.

Mr. McKELLAR. There were no appropriations made previously, in the general bill, for this purpose, to give the Commodity Credit Corporation the money with which to operate on the new crop.

Mr. VANDENBERG. What I want to know is, do we find ourselves in the position that the Secretary of Agriculture is going to say to the country that if he does not get this final $119,000,000 the responsibility rests at that point for the failure of his agricultural program?

Mr. ADAMS. Mr. President, I do not know that the Secretary said it was a final $119,000,000; but this was the statement, as I recall. He said that the Commodity Credit Corporation, created for the purpose of making loans which were mandatory under the agricultural acts upon certain crops, in accordance with formulas included in those acts, upon either three or four major crops, made loans, which were not compulsory, in order to maintain the market prices of other crops, but in making the loans on the major crops, which I think were cotton, corn, and wheat, they had lost the capital of the Commodity Credit Corporation, which was originally $100,000,000. Then under an act of Congress $94,000,000 was restored some time ago, and they are now $119,000,000 short, so that in order to restore the capital the $119,000,000 appropriation is required.

They have, in addition to the capital, as the Senator doubtless knows, a lending capacity of $900,000,000. It was originally $600,000,000 and Congress has increased it to $900,000,000. Loans have been made until practically all the lending capacity has been either exhausted or has been committed.

There was some confusion in the statements before the committee. At one point we were told that there were $131,000,000 not yet committed, but accompanying that was a statement that there was some kind of a quasi commitment which really had consumed all but $9,000,000. The Secretary said that there were certain other loans, notably on cotton and corn, which could not be made unless the capital was replaced; that if it were not replaced there would have to be a prorating of the lending capacity among various crops, which would leave most of them deficient.

I am giving the Senator simply a summary of the statement, as I recall it, from the Secretary and from the President of the Commodity Credit Corporation, who also appeared before the committee.

Mr. VANDENBERG. Mr. President, I thank the Senator for his statement. I was merely trying to find out precisely what was meant by the quotations attributed to the Secretary in the news reports. As I interpreted those quotations, they left the impression that this final hundred-odd-million dollars appropriation is the sine qua non of the success of his entire agriculture program. I did not want to be put in the position of voting against an appropriation of $119,000,000 and providing him with an alibi.

Mr. ADAMS. I do not think that is quite an accurate statement. What he did say was that he was very positive that unless this money was provided there might be a very serious decline, if not a crash, in agricultural products.

Mr. VANDENBERG. Does that work both ways; if he gets the money, do we have another assurance that there will not be a crash?

Mr. ADAMS. That was not included in the statement.

Mr. LA FOLLETTE. Mr. President, in all fairness to the Secretary of Agriculture, I think the situation which confronts him should be made clear to the Senate.

There is a statutory provision which requires that on a certain date each year there must be an evaluation of the assets of various governmental corporations, including the Commodity Credit Corporation.

Mr. McKELLAR. On the 31st of March.

Mr. LA FOLLETTE. And that Congress thereupon must replace or restore the capital of any one of these corporations in case its operations are estimated to have impaired such capital.

The loans in question upon certain commodities are mandatory and were so made by the Congress in the Agricultural Adjustment Act of 1938. Therefore, the loans have been made in accordance with that act. However, the Secretary feels that unless Congress acts upon the requirement to replace the capital of this corporation estimated to be impaired he is, therefore, no longer justified in continuing to make any loans in the future.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I will yield in a moment. Many farmers have come into this program for this year upon the assumption that Congress would provide for the mandatory loans, and I do not think that the Secretary of Agriculture, in all fairness to him, is to be criticized if he directs the attention of Congress to a situation which confronts him under statutes enacted by Congress.

I now yield to the Senator from Wyoming.

Mr. O'MAHONEY. Is it not a fact that under the lending program of the Commodity Credit Corporation great benefits have been received by the growers of wheat, growers of cotton, wool growers, and others who are engaged in the production of agricultural commodities?

Mr. LA FOLLETTE. With the permission——

Mr. O'MAHONEY. Will not the Senator answer the question? That is a fact, is it not?

Mr. LA FOLLETTE. Yes. I now wish to take the time to read a letter which the Secretary of Agriculture addressed to me, at my request, when I became alarmed over the situation which seemed to have been produced by the House of Representatives failing to provide the necessary appropriation.

Mr. O'MAHONEY. Before the Senator puts the letter into the RECORD, may I ask just one other question? Does it not follow, from the situation which has been described—and I am very happy the Senator from Wisconsin has described it—that if the capital of this corporation were not restored, it would be impossible for the Secretary properly to continue to make loans?

Mr. LA FOLLETTE. As I understand the Secretary's position, it is that unless Congress restores the capital of the Commodity Credit Corporation as provided by law he must then assume that Congress has, in effect, by negative action, disapproved any further activity in this direction.

Mr. O'MAHONEY. I think the Senator is exactly correct.

Mr. LA FOLLETTE. And I personally believe that the Secretary, instead of being criticized for taking this position, should be praised for the meticulous manner in which he regards his responsibilities under the law.

Mr. O'MAHONEY. As a matter of fact, he came before the committee and made a perfectly frank and accurate statement of the financial condition of this corporation.

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

Mr. LA FOLLETTE. I yield.

Mr. McKELLAR. The Senator has stated with great accuracy exactly the position the Secretary of Agriculture took before our committee. The Congress passed this law, the Secretary is faithfully and earnestly and sincerely trying to carry it out. The Congress passed the act which required that this fund be replaced. The Secretary told the committee just what was necessary to be done, and he has carried out the act of Congress—our act—first.

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

Mr. LA FOLLETTE. In a moment. I desire to read a few excerpts from the letter of the Secretary, and then I shall ask to have the letter incorporated in the RECORD as a part of my remarks. The Secretary states in the letter:

> My responsibility with regard to the Commodity Credit Corporation and commodity loans is derived from the Agricultural Adjustment Act of 1938, the Commodity Credit Act of 1938, and the fact that the Congress, under the President's Reorganization Order No. 2, transferred the Commodity Credit Corporation to the Department of Agriculture on July 1, 1939. Because this transfer was so recent I, as Secretary of Agriculture, did not have an opportunity to appear before congressional committees before July 1 so as to emphasize the importance of the activities of the Corporation to the general farm program.
>
> The appropriation of $119,000,000 requested to restore the capital of the Commodity Credit Corporation is vitally necessary to the success of the farm program. At present only $9,000,000 is available for new loans on agricultural commodities. This appropriation is neither for the purpose of embarking upon any new undertaking nor for financing any transactions other than those already authorized and directed by the Congress. Moreover, these funds would not be expended but would be used for making loans with farm commodities as collateral. In other words, the appropriation is merely to restore the capital of the Corporation in order that it may continue to carry out the program specifically assigned to it by existing legislation.
>
> The Agricultural Adjustment Act of 1938 makes it mandatory under certain circumstances for the Corporation to offer loans to producers of corn, wheat, and cotton. In accordance with this requirement, a loan program has already been announced with respect to the 1939 wheat crop. Wheat is now being marketed and, largely as a result of the loan, the price of American wheat is very substantially above world prices.

As a matter of fact, Mr. President, the other day when the Finance Committee was considering the amendments to section 22 of the Agricultural Adjustment Act, which provide for action by the President after the Tariff Commission has made an investigation, to prevent commodities coming in over the tariff wall and destroying domestic programs, the committee was informed that for certain types of hard wheat the prices are now within 2 cents of being at the point where wheat of those particular types, will start to come in in large quantities.

> Unless the $119,000,000 appropriation is made, the wheat loan probably could not be continued through this season. If the loan on wheat should be discontinued, a precipitate drop in American wheat prices is almost certain to follow.
>
> In the case of corn, arrangements for a loan normally would be made in September, and it is virtually certain that a loan on the 1939 crop will be mandatory. Moreover, if lack of funds should make it impossible to provide a loan on the 1939 corn crop, the effect would have widespread and disastrous results on the whole of agriculture. The extremely low corn prices

which would follow such action would in turn bring about sharp reductions in the prices of hogs, beef cattle, poultry, and dairy products, cottonseed, other feed grains, and fats and oils.

So, Mr. President, in my opinion, the Secretary was fully justified in making the statement that unless the appropriation were made there would result not only a serious decline in prices of commodities upon which loans under certain circumstances are mandatorily made by the Corporation, but, because of the interrelation of many of these prices and products, a precipitate decline in the price of those products would affect practically the whole structure of the agricultural situation in the United States.

Under conditions as they are at present, a loan on cotton is not mandatory. But inability to make such a loan, through lack of funds, could easily contribute to a price decline which would, under ordinary circumstances, make the loans mandatory.

Mr. President, without taking further time to read from the letter, I ask unanimous consent that the entire letter be incorporated in the RECORD at this point.

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair). Without objection, it is so ordered.

The letter is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, August 3, 1939.

Hon. ROBERT M. LA FOLLETTE, Jr.,
United States Senate.

DEAR SENATOR LA FOLLETTE: In accordance with your request, I am sending you the following information with respect to the item for the restoration of the capital of the Commodity Credit Corporation that was omitted from the third deficiency bill as approved by the House of Representatives.

My responsibility with regard to the Commodity Credit Corporation and commodity loans is derived from the Agricultural Adjustment Act of 1938, the Commodity Credit Act of 1938, and the fact that the Congress, under the President's Reorganization Order No. 2, transferred the Commodity Credit Corporation to the Department of Agriculture on July 1, 1939. Because this transfer was so recent I, as Secretary of Agriculture, did not have an opportunity to appear before congressional committees before July 1, so as to emphasize the importance of the activities of the Corporation to the general farm program.

The appropriation of $119,000,000 requested to restore the capital of the Commodity Credit Corporation is vitally necessary to the success of the farm program. At present, only $9,000,000 is available for new loans on agricultural commodities. This appropriation is neither for the purpose of embarking upon any new undertaking nor for financing any transactions other than those already authorized and directed by the Congress. Moreover, these funds would not be expended but would be used for making loans with farm commodities as collateral. In other words, the appropriation is merely to restore the capital of the Corporation in order that it may continue to carry out the program specifically assigned to it by existing legislation.

The Agricultural Adjustment Act of 1938 makes it mandatory under certain circumstances for the Corporation to offer loans to producers of corn, wheat, and cotton. In accordance with this requirement, a loan program has already been announced with respect to the 1939 wheat crop. Wheat is now being marketed and, largely as a result of the loan, the price of American wheat is very substantially above world prices. Unless the $119,000,000 appropriation is made, the wheat loan probably could not be continued through this season. If the loan on wheat should be discontinued, a precipitate drop in American wheat prices is almost certain to follow.

In the case of corn, arrangements for a loan normally would be made in September, and it is virtually certain that a loan on the 1939 crop will be mandatory. Moreover, if lack of funds should make it impossible to provide a loan on the 1939 corn crop, the effect would have widespread and disastrous results on the whole of agriculture. The extremely low corn prices which would follow such action would in turn bring about sharp reductions in prices of hogs, beef cattle, poultry and dairy products, cottonseed, other feed grains, and fats and oils. Under conditions as they are at present, a loan on cotton is not mandatory. But inability to make such a loan through lack of funds could easily contribute to a price decline which would, under ordinary circumstances, make the loans mandatory.

During the past 6 years the Commodity Credit Corporation has made loans on these commodities: Cotton, corn, wheat, butter, wool, mohair, tobacco, rosin, turpentine, figs, peanuts, rye, prunes, raisins, pecans, and hops.

The existing loans, and estimated commitments now outstanding, leave only $9,000,000 available to the Corporation for additional programs, including loans on the 1939 crops of corn, cotton, and several other commodities whose producers will undoubtedly be in serious need of loans this year.

In planting their crops this year, the farmers naturally had reason to believe that at least all the loans which Congress made mandatory under the Agricultural Adjustment Act of 1938 would be made available. To fail to provide for these loans would be regarded by the producers, and rightly so, as a breach of faith.

It would appear difficult, if not impossible, for the Secretary of Agriculture to take responsibility for incurring additional commitments on loans, even though such loans are mandatory under the Agricultural Adjustment Act, if the Congress should fail to make the appropriations contemplated under the Commodity Credit Corporation Act to make such commitments secure. The Commodity Credit Act of 1938 makes it clear that Congress must replenish the capital stock of Commodity Credit as of March 31 each year if it expects Commodity Credit to remain active. This view is substantiated by the hearings in the Senate Committee on Banking and Currency on February 14 and February 21, at which time the Commodity Credit Corporation was severely criticized for making an emergency arrangement last year with Reconstruction Finance Corporation so that in case of need it could make loans beyond its capital and authorized borrowing power. I do not believe that the Members of Congress expect or desire a Cabinet officer to take a responsibility that properly belongs to the Congress.

Abandonment of the farm-loan programs would remove an important part of the entire farm program, cause a sharp decline in farm prices, seriously impair the credit resources of farmers, and greatly reduce their ability to pay outstanding debts to banks and Government agencies. The impact of such a blow to American agriculture could be expected to have repercussions on the economy of the entire Nation. I do not think it would be an exaggeration to say that inability to continue and make loans on agricultural commodities for the remainder of 1939 would be a national calamity.

Sincerely yours,

H. A. WALLACE, *Secretary.*

Mr. LA FOLLETTE. I now yield with pleasure to my distinguished friend, the Senator from Michigan.

Mr. VANDENBERG. Mr. President, the Senator suggested that I have been criticizing the Secretary. It was not in that spirit that I presented my interrogatory at all. I think the Secretary is living scrupulously within the law, and I think the Secretary is a very scrupulous administrator always. I have a very high regard for him. I was simply challenged by the repeated statements I have received from the Secretary that this final, comparatively small appropriation was necessary in order to keep the entire agricultural-relief situation from bogging down, and I was trying to find out how he could keep it from bogging down with $119,000,000 if he could not keep it from bogging down with one and one-half billion dollars which he already has.

Mr. President, I was seeking a little light rather than heat; and, so far as the technical status of the amendment is concerned, I thank the Senator from Wisconsin for fully vindicating it.

Mr. LA FOLLETTE. I thank the Senator from Michigan for making his statement, and if the reference to heat was to anything that I said, Mr. President, I think the Senator is mistaken. All I have tried to do is to speak above the hubbub, the confusion and conversation which emanates from the floor and the galleries of this Chamber. Let the Senator rest easy. Nothing was intended except a desire on the part of the Senator from Wisconsin to be heard.

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

Mr. ADAMS. I yield to the Senator from Connecticut.

Mr. DANAHER. Bearing on the observations of the Senator from Wisconsin [Mr. LA FOLLETTE] and in order that the fact may appear, I should like to read from the report of the committee:

The first appraisal to determine the net worth of the Corporation was made upon the basis of prices prevailing on March 31, 1938, which indicated that during the period of operation of the Corporation its capital had been impaired to the extent of $94,285,404.73. That amount was restored by an appropriation contained in the Second Deficiency Appropriation Act, 1938, approved June 25, 1938. The pending estimate is in consequence of an appraisal upon the basis of prices obtaining 1 year later, March 31, 1939, and represents a further impairment of $100,134,474 owing to depreciated values, and an amount of $19,465,444 resulting from commodities taken over and disposed of, administrative expenses, and other nonrecoverable outlays. The three amounts named represent a total impairment of $213,885,322 which the Congress has been asked to make good within the space of about 12 months.

Mr. President, while it is perfectly apparent that to an extent of $213,000,000 funds have been paid to farmers as a result of these loans, the fact remains that if we may call them benefits, they have been obtained at the expense of all the taxpayers. I think that should be clearly understood.

I should like to ask the Senator from Colorado if there was anything in this figure of $119,000,000 which represented a subsidy on exports, so far as the Senator knows?

Mr. ADAMS. I think not. I think this amount of encouragement may be offered to the Senator, that the appropriation of $119,000,000—fixing that as a deficit in the capital—does not represent the situation today. There has been an increase of approximately $50,000,000 in assets; so that the actual deficit today would be $50,000,000 less than that, though the statute which we passed required the appraisement to be taken on the 31st of March. So the figures they bring to us are of that day, but their actual financial condition today is $50,000,000 better than it was on the 31st of March.

Mr. DANAHER. May I observe by way of reply, then, that, as of March 31, the Secretary advised the House committee that he had $157,000,000 available for making or underwriting additional loans upon commodities, and if his position is, as the Senator says, $50,000,000 better as of this date than as of March 31, he has $207,000,000 available.

Mr. ADAMS. Of course, they have made some commitments since that time.

Mr. DANAHER. I am taking the Senator's figure of $50,000,000.

Mr. ADAMS. Let us not become confused between unconsumed loaning capacity and capital. I was talking to the Senator about the capital of the Corporation; that the capital on the 31st day of March was impaired by $119,000,000. That is the official figure. Since that time the capital assets, or, rather, the commodities upon which they are loaning, have increased in value, so that if there were an appraisement as of today the deficiency would be $69,000,000, not $119,000,000. But the law which we passed required the restoration of capital to be made as of the appraisement of the 31st of March. The loaning capacity of $900,000,000 in addition to the capital, whether it be much or little, and the available unconsumed capacity varies as loans are made and loans are paid. I understand there have been some loans paid.

Mr. DANAHER. Or as losses are taken. Is that not a proper interpolation?

Mr. ADAMS. Yes; but the amount available for loans on a certain day may increase or decrease without affecting the capital structure.

Mr. DANAHER. I thank the Senator.

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

Mr. DANAHER. I yield.

Mr. KING. I should like to observe that I have given some little attention to these loans, and my understanding is that the loans which we have made have resulted in great loss to the Treasury, and have not only impaired the capital of the Corporation to the extent of approximately $213,000,000, but losses have been sustained from the loans which have been made under the authorization of $900,000,000.

So it is obvious that the taxpayers of the United States, because of the operations of the Commodity Credit Corporation, to say nothing of other operations of the Department of Agriculture, will be required to pay, not $213,000,000 but perhaps two or three times that amount.

In reply to the statement made by my friend the Senator from Colorado [Mr. ADAMS], I wish to say that the prices of the farm commodities upon which loans have been made are fluctuating in value. I do not think that there has been an accretion in value of fifty-odd-million dollars, as indicated by my friend, since the appraisal which was made some time ago.

Mr. ADAMS. That is the statement that was made to us on yesterday by the Commodity Credit Corporation officials.

Mr. KING. But, assuming that there has been an advance in the prices of commodities, with the fluctuations and changes——

Mr. ADAMS. That was in cotton largely.

Mr. KING. Yes, but we are told now that the price of cotton will fall; that unless a further stimulation is given by loans from the Federal Treasury the cotton losses will increase and, of course, that will involve the Government of the United States perhaps to the amount of millions or tens of millions of dollars.

Mr. ADAMS. Of course, the Senator knows that the responsibility for that situation rests upon the 435 Members in the House and the 96 Members in the Senate. Perhaps there are some exceptions in each body, among them the Senator from Utah.

Mr. KING. Mr. President, I may say that I regret very much that we have embarked upon a policy something like that upon which Brazil embarked. Brazil and other countries began to stimulate prices, and made loans upon rubber and coffee. The result was that she lost money. So the loans which we are making under what I regret to term the improvident policies of the Department of Agriculture will aggregate hundreds of millions of dollars, which will add to the debts of the United States and increase the burden of taxation upon the American people.

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

Mr. DANAHER. I am glad to yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator spoke of the uncommitted fund of $131,000,000. I should like to explain that position as it is explained by the vice president of the Commodity Credit Corporation.

Some time ago the total funds not committed were $131,000,000, less additional wheat payments—$100,000,000 had already been committed for wheat—plus funds for the corn program of $20,000,000, plus $2,000,000 for delivery of cotton to England under the act of Congress which was passed a few days ago, under which we exchanged cotton for rubber, making a total of $122,000,000 which must be subtracted from the $131,000,000 not committed. So the balance in the hands of the Commodity Credit Corporation and uncommitted is $9,000,000. That is why this sum has to be replenished.

Mr. DANAHER. I thank the Senator.

Mr. President, I should like to ask the Senator from Colorado a question. Within the past week or 10 days the Commodity Credit Corporation has set up within its own organization a revolving fund in order that the Commodity Credit Corporation may cause those who borrow against crops to self-insure by means of the revolving fund. As a result, a certain percentage has been charged on each of the commodities deposited, whether it be corn, wheat, or some other commodity. Particularly has this revolving-fund insurance plan been made applicable to corn. Does the Senator from Colorado know of any authority previously granted by Congress to the Commodity Credit Corporation under which such a step could be taken?

Mr. ADAMS. I do not pretend to be well enough advised as to the Commodity Credit Act to answer the Senator's question. I should not want to say that I do not know in the sense of conveying the impression that such authority does not exist. I simply cannot answer the question.

Mr. DANAHER. Does the Senator know whether or not, in appropriations for the Commodity Credit Corporation, an amount has been allocated for any such purpose, to permit the Corporation to insure?

Mr. ADAMS. There has been no specific allocation for that purpose. The appropriations have been in lump sums to carry out the purposes of the Commodity Credit Act.

Mr. DANAHER. Let me ask the Senator one further question, if it is a fair question. Does the Senator believe that the Commodity Credit Corporation should be given authority to create an insurance fund within its own operations?

Mr. ADAMS. Does the Senator think the result of that insurance fund will be for the benefit of the Government?

Mr. DANAHER. I think very definitely, "No"; on the basis of the fact that we have been making up impairments of capital, or, as I interpret them, losses.

Mr. ADAMS. Who is being insured?

Mr. DANAHER. It seems to me that what we are doing is very definitely using Government funds, through a Government agency, once more to compete with private business. Hitherto, that business has been written by agents all over

the United States, in the State of the Senator as well as in the farm States generally. Their business is being cut into in that fashion.

Mr. ADAMS. There is one part of the business with respect to which I do not think private industry would object to competition. I refer to making loans upon property for more than the property is worth, and without any obligation on the part of the borrower to pay back the loan. The Government takes the risk, and the lender has the benefit, if there is any. I do not think any private industry is being cut out. If so, it is a benefit to the private industry to be cut out.

Mr. DANAHER. I know there has been widespread complaint, and for that reason I bring up the matter at this time. I am certain that the Senator answered my question when he stated that to his knowledge no part of the funds is being used to restore losses which occur by reason of any such program. Is that correct?

Mr. ADAMS. The Senator will have to make the observation as a statement rather than as a question.

Mr. DANAHER. I said, so far as the Senator knows.

Mr. ADAMS. The Senator may make it as a statement. I do not wish to assume the responsibility.

Mr. BYRNES. Mr. President, the Senator from Kentucky [Mr. BARKLEY] is unavoidably absent from the Chamber at this moment. I desire to have the clerk read a letter addressed to him by the Secretary of Agriculture with reference to the question of what amount is available for the purpose of loans, and the lending capacity of the Corporation.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Chief Clerk read as follows:

Hon. ALBEN W. BARKLEY,
United States Senate.

DEAR SENATOR BARKLEY: Various inquiries now being received by the Department of Agriculture for information with respect to the lending capacity of the Commodity Credit Corporation indicate the necessity that an effort be made to clarify this somewhat complex and technical subject. This letter is being addressed to you with the hope that you may be able to use it for the purpose of meeting the need for a readily understandable explanation of the situation.

The lending power of the Commodity Credit Corporation is not definitely fixed by statute; but the capital of the Corporation, and the amount which it can borrow on the credit of the United States, are fixed by law. The statutes pertaining to the Commodity Credit Corporation, however, make no reference to the power or lack of power of the Corporation to borrow on its own credit. Under the provisions of the Commodity Credit Act of 1938, the Corporation's capital is fixed at $100,000,000 and its maximum borrowing power on the credit of the United States is limited to $900,000,000. Consequently, and aside from major questions of policy, the Commodity Credit Corporation lacks definite congressional authorization to make loans, or guarantee loans made by banks to farmers, in a total amount in excess of the Corporation's unimpaired capital and authorized power to borrow on the credit of the United States.

Last year the Corporation, in carrying out the mandatory loan provisions of the Agricultural Adjustment Act of 1938, made or guaranteed loans in excess of its unimpaired capital and authorized borrowing power on the credit of the United States. In order to keep itself in a position in which in case of need the Corporation could meet all its obligations fully and promptly, it made a temporary arrangement with the Reconstruction Finance Corporation under which it could, if necessary, obtain such additional funds as might be required to liquidate its obligations—which are callable on demand by the lending banks—by the sale to the Reconstruction Finance Corporation of $150,000,000 of the loans held by Commodity Credit Corporation.

Subsequently, there was severe criticism in various committee hearings and on the floor of the Senate, not only of the Commodity Credit Corporation for making and guaranteeing a total amount of loans that was in excess of its unimpaired capital and its authorized borrowing power on the credit of the United States, but also of the Reconstruction Finance Corporation for making it financially safe for the Commodity Credit Corporation to so extend its lending power by agreeing, in case of need, to purchase up to $150,000,000 of Commodity Credit Corporation loans.

In order, therefore, under the existing circumstances, for the Corporation to remain in a position to meet its obligations promptly and fully, and to conform to what has been interpreted by some Members of Congress as an intent on the part of Congress that the Corporation shall not incur total obligations in excess of its unimpaired capital and authorized borrowing power on the credit of the United States, it would be necessary for the Corporation to discontinue making loans whenever the sum of its total obligations became equal to its unimpaired capital and authorized borrowing power on the credit of the United States.

The present situation with respect to the Commodity Credit Corporation's financial position may be summarized as follows:

In keeping its books, the Corporation follows the practice of making an allocation of an estimated amount of the loan that will be incurred under each commodity program at the time a loan is authorized. At the present time the records of the Corporation show unallocated funds of $131,000,000. This takes into account various allocations, including an item of $50,000,000 originally estimated for wheat loans. Since this wheat-loan allocation was made, however, it has been estimated that, primarily on account of improved crop prospects and declining prices, an additional $100,000,000 would be required in order to complete the loan program on wheat. It is also estimated that two other items which have not yet been recorded on the books of the Corporation (namely, the contemplated program for the resealing of the 1938 corn and the expense to be incurred for the delivery of cotton and acceptance of rubber under the British exchange agreement recently ratified by the Senate) would require an additional $22,000,000 of funds. Consequently, when the current book figure of $131,000,000 of unallocated funds is adjusted for the sum of the three items noted above—that is, $122,000,000—there remains at the present time a balance available to the Corporation of only $9,000,000 with which to make various loans on 1939 crops, including the 1939 crops of cotton and corn on which, under certain circumstances, commodity loans are mandatory under the Agricultural Adjustment Act of 1938.

It is clear, therefore, that if the commodity loans, which are a basic foundation in the farm program, are to be carried out in 1939, it is necessary either for Congress to restore the impaired capital of the Commodity Credit Corporation or increase its borrowing power, or for the Corporation to proceed, despite the questions that have been mentioned with respect to both financial policy and the intent of at least some Members of Congress, to incur obligations in excess of its unimpaired capital and its authorized borrowing power on the credit of the United States.

As the responsible Cabinet officer under the law for the activities of the Commodity Credit Corporation, I should be extremely reluctant, in view of the considerations to which attention has been called, to direct the Corporation to incur obligations in excess of its unimpaired capital and its authorized borrowing power on the credit of the United States. However, in a letter addressed to the Honorable ROBERT M. LA FOLLETTE, Jr., on August 3, 1939, a copy of which is enclosed, I undertook to set forth the disastrous effects that an abandonment of the farm-loan programs could be expected to have on both American agriculture and the economy of the entire Nation.

Sincerely yours,

HENRY A. WALLACE,
Secretary.

Mr. McKELLAR. Mr. President, if no other Senator desires to speak, I wish to suggest the absence of a quorum, so that we may have a yea-and-nay vote on the amendment.

Mr. ADAMS. Mr. President, there has not been any question raised about it; no Senator has objected to the amendment.

Mr. McKELLAR. I understand that, but I think we had better have a yea-and-nay vote, and I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The question is on the amendment reported by the committee, which will be stated.

The CHIEF CLERK. On page 47, after line 1, under the heading "Treasury Department", it is proposed to insert:

Restoration, capital impairment, Commodity Credit Corporation: To enable the Secretary of the Treasury, on behalf of the United States, to restore the amount of the capital impairment of the Commodity Credit Corporation as of March 31, 1939, by contribution to the Corporation as provided by the Act approved March 8, 1938 (Public, No. 442, 75th Cong.), fiscal year 1940, $119,599,918.05.

The PRESIDING OFFICER. The Senator from Tennessee demands the yeas and nays.

The yeas and nays were ordered.

Mr. McKELLAR. I now make the point of order that there is not a quorum present.

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Bridges	Clark, Mo.	Gibson
Andrews	Brown	Connally	Gurney
Ashurst	Bulow	Danaher	Hale
Austin	Burke	Davis	Harrison
Bailey	Byrnes	Downey	Hatch
Bankhead	Capper	Ellender	Hayden
Barkley	Chavez	George	Herring
Borah	Clark, Idaho	Gerry	Johnson, Calif.

Johnson, Colo.	Miller	Schwartz	Truman
King	Minton	Schwellenbach	Tydings
La Follette	Murray	Sheppard	Vandenberg
Lee	Neely	Shipstead	Van Nuys
Lodge	Nye	Smith	Wagner
Lucas	O'Mahoney	Stewart	Walsh
Lundeen	Pepper	Taft	Wheeler
McCarran	Pittman	Thomas, Okla.	White
McKellar	Radcliffe	Thomas, Utah	
Maloney	Reed	Tobey	
Mead	Russell	Townsend	

The PRESIDING OFFICER. Seventy-three Senators having answered to their names, there is a quorum present.

The question is on the amendment reported by the committee restoring the capital of the Commodity Credit Corporation. On that question the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. SHIPSTEAD (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. GLASS]. I transfer that pair to the junior Senator from Oregon [Mr. HOLMAN] and will vote. I vote "yea."

Mr. TOBEY (when his name was called). On this vote I have a pair with the junior Senator from Pennsylvania [Mr. GUFFEY]. If he were present and privileged to vote, he would vote "yea." If I were free to vote, I should vote "nay."

The roll call was concluded.

Mr. DAVIS. I have a general pair with the junior Senator from Kentucky [Mr. LOGAN]. I understand that, if present, he would vote as I am about to vote. I am therefore at liberty to vote, and vote "yea."

Mr. NYE. I announce that my colleague [Mr. FRAZIER] is unavoidably absent. If present, he would vote "yea."

Mr. HAYDEN. I announce that my colleague the senior Senator from Arizona [Mr. ASHURST] is detained because of illness in his family. If present, he would vote "yea."

Mr. HARRISON (after having voted in the affirmative). I transfer my pair with the senior Senator from Oregon [Mr. MCNARY] to the junior Senator from Alabama [Mr. HILL] and permit my vote to stand.

Mr. BANKHEAD. My colleague [Mr. HILL] is necessarily absent. If present, he would vote "yea."

Mr. AUSTIN. I announce that the Senator from New Jersey [Mr. BARBOUR] has a general pair with the Senator from Utah [Mr. KING].

The Senator from Oregon [Mr. HOLMAN], if present, would vote "yea."

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Washington [Mr. BONE], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Iowa [Mr. GILLETTE], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Alabama [Mr. HILL], the Senator from Delaware [Mr. HUGHES], the Senator from Kentucky [Mr. LOGAN], the Senator from Illinois [Mr. SLATTERY], and the Senator from New Jersey [Mr. SMATHERS] are unavoidably detained. I am advised that if present and voting, these Senators would vote "yea."

The Senator from Virginia [Mr. BYRD] is detained in one of the Government departments on matters pertaining to the State of Virginia.

The Senator from Ohio [Mr. DONAHEY], the Senator from Virginia [Mr. GLASS], the Senator from West Virginia [Mr. HOLT], the Senator from Utah [Mr. KING], the Senator from Louisiana [Mr. OVERTON], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Massachusetts [Mr. WALSH] are also unavoidably detained. I am not advised how these Senators would vote if present and voting.

The Senator from Rhode Island [Mr. GREEN] has a general pair with the Senator from Wisconsin [Mr. WILEY].

The result was announced—yeas 61, nays 7, as follows:

YEAS—61

Adams	Borah	Clark, Idaho	Ellender
Andrews	Brown	Clark, Mo.	George
Austin	Bulow	Connally	Gibson
Bailey	Burke	Danaher	Gurney
Bankhead	Byrnes	Davis	Harrison
Barkley	Capper	Downey	Hatch
Hayden	Maloney	Radcliffe	Thomas, Utah
Herring	Mead	Reed	Truman
Johnson, Calif.	Miller	Russell	Tydings
Johnson, Colo.	Minton	Schwartz	Vandenberg
La Follette	Murray	Schwellenbach	Van Nuys
Lee	Neely	Sheppard	Wagner
Lucas	Nye	Shipstead	Wheeler
Lundeen	O'Mahoney	Smith	
McCarran	Pepper	Stewart	
McKellar	Pittman	Thomas, Okla.	

NAYS—7

Bridges	Hale	Taft	White
Gerry	Lodge	Townsend	

NOT VOTING—28

Ashurst	Donahey	Holman	Overton
Barbour	Frazier	Holt	Reynolds
Bilbo	Gillette	Hughes	Slattery
Bone	Glass	King	Smathers
Byrd	Green	Logan	Tobey
Caraway	Guffey	McNary	Walsh
Chavez	Hill	Norris	Wiley

So the amendment of the committee was agreed to.

MESSAGE FROM THE HOUSE

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

S. 2654. An act to amend subsection (n), section 77, of the Bankruptcy Act, as amended, concerning payment of preferred claims; and

S. J. Res. 181. Joint resolution giving the consent of the Congress to an agreement between the States of Iowa and Missouri establishing a boundary between said States.

The message also announced that the House had passed the bill (S. 1042) for the relief of the Epes Transportation Corporation, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 821. An act for the relief of Charles L. Kee;

S. 1448. An act for the relief of Anna H. Rosa;

S. 2239. An act for the relief of Dorothy Clair, G. F. Allen, and Earl Wooldridge;

H. R. 777. An act for the relief of Banks Business College;

H. R. 875. An act for the relief of Okie May Fegley;

H. R. 1693. An act to confer jurisdiction on the District Court of the United States for the Western District of Missouri to hear, determine, and render judgment upon the claims of certain claimants who suffered loss by flood at or near Bean Lake in Platte County, and Sugar Lake in Buchanan County, in the State of Missouri, during the month of March 1934;

H. R. 1875. An act for the relief of the Women's Board of Domestic Missions;

H. R. 2452. An act for the relief of George Slade;

H. R. 2752. An act to include within the Kaniksu National Forest certain lands owned or in course of acquisition by the United States;

H. R. 2990. An act to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937, as amended;

H. R. 3104. An act for the relief of Kyle Blair;

H. R. 3224. An act creating the Louisiana-Vicksburg Bridge Commission; defining the authority, power, and duties of said Commission; and authorizing said Commission and its successors and assigns to purchase, maintain, and operate a bridge across the Mississippi River at or near Delta Point, La., and Vicksburg, Miss.;

H. R. 3375. An act to authorize M. H. Gildow to construct a free, movable, pontoon footbridge across Muskingum River Canal at or near Beverly, Ohio;

H. R. 3409. An act to amend the act of June 15, 1936 (49 Stat. 1516), authorizing the extension of the boundaries of the Hot Springs National Park, in the State of Arkansas, and for other purposes;

H. R. 4085. An act for the relief of certain disbursing agents and employees of the Indian Service;

H. R. 4260. An act for the relief of J. Milton Sweney;

H. R. 4322. An act giving clerks in the Railway Mail Service the benefit of holiday known as Armistice Day;

H. R. 4938. An act to amend the act approved June 26, 1935, entitled "An act to create a national memorial military park at and in the vicinity of Kennesaw Mountain in the State of Georgia, and for other purposes";

H. R. 4998. An act to amend the Packers and Stockyards Act, 1921;

H. R. 5625. An act to regulate interstate and foreign commerce in seeds; to require labeling and to prevent misrepresentation of seeds in interstate commerce; to require certain standards with respect to certain imported seeds; and for other purposes;

H. R. 5747. An act to authorize the addition of certain lands to the Wenatchee National Forest;

H. R. 6049. An act authorizing the village of Cassville, Wis., or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Cassville, Wis., and to a place at or near the village of Guttenberg, Iowa;

H. R. 6353. An act granting the consent of Congress to the State of Connecticut, acting by and through any agency or commission thereof, to construct, maintain, and operate a toll bridge across the Connecticut River at or near Hartford, Conn.;

H. R. 6435. An act to authorize cancelation of deportation in the case of Louise Wohl;

H. R. 6475. An act to authorize the city of Duluth, in the State of Minnesota, to construct a toll bridge across the St. Louis River, between the States of Minnesota and Wisconsin, and for other purposes;

H. R. 6479. An act amending section 2857 of the Internal Revenue Code;

H. R. 6546. An act for the relief of Benno von Mayrhauser and Oskar von Mayrhauser;

H. R. 6556. An act to provide for the seizure and forfeiture of vessels, vehicles, and aircraft used to transport narcotic drugs, firearms, and counterfeit coins, obligations, securities, and paraphernalia, and for other purposes;

H. R. 6614. An act to amend the Government Losses in Shipment Act;

H. R. 6634. An act amending previous flood-control acts, and authorizing certain preliminary examinations and surveys for flood control, and for other purposes;

H. R. 6664. An act to admit the American-owned barges *Prari* and *Palpa* to American registry and to permit their use in coastwise trade;

H. R. 6747. An act relating to the retirement of employees to whom the provisions of section 6 of the act approved June 20, 1918 (40 Stat. 608; U. S. C., 1934 edition, title 33, sec. 763), as amended, apply;

H. R. 6874. An act to repeal section 4897 of the Revised Statutes (U. S. C., title 35, sec. 38), and amend sections 4885 and 4934 of the Revised Statutes (U. S. C., title 35, secs. 41 and 78);

H. R. 6878. An act to amend section 4894 of the Revised Statutes (U. S. C., title 35, sec. 37);

H. R. 7089. An act to provide for the presentation of a medal to Howard Hughes in recognition of his achievements in advancing the science of aviation;

H. R. 7090. An act to amend section 4488 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., title 46, sec. 481);

H. R. 7091. An act to amend section 4471 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., title 46, sec. 464); and

H. J. Res. 283. Joint resolution to establish the Major General William Jenkins Worth Memorial Commission to formulate plans for the construction of a permanent memorial to the memory of Maj. Gen. William Jenkins Worth.

PAYMENT OF ATTORNEY'S FEES FROM OSAGE TRIBAL FUNDS

The PRESIDING OFFICER (Mr. O'MAHONEY 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. 4117) to provide for the payment of attorney's fees from Osage tribal funds, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to; and the Presiding Officer appointed Mr. THOMAS of Oklahoma, Mr. WHEELER, and Mr. SHIPSTEAD conferees on the part of the Senate.

THIRD DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 7462) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1939, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1939, and June 30, 1940, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee, on page 47, after line 2.

The amendment was agreed to.

The next amendment was, under the heading "Coast Guard", on page 50, after line 2, to insert:

The appropriations for the Coast Guard, fiscal year 1940, for fuel and water, outfits, rebuilding, and repairing stations, repairs to vessels, communication lines, and contingent expenses, and such portion of the appropriation for the Lighthouse Service, fiscal year 1940, for general expenses as the Director of the Bureau of the Budget with the approval of the President may determine shall be transferred and consolidated into an appropriation "General expenses, United States Coast Guard, 1940."

The appropriation for salaries, Office of the Commandant, United States Coast Guard, for the fiscal year 1940, and such portion of the appropriation for salaries, Bureau of Lighthouses, fiscal year 1940, as the Director of the Bureau of the Budget with the approval of the President may determine, shall be transferred and consolidated into an appropriation "Salaries, Office of Commandant, United States Coast Guard, 1940."

The appropriation for civilian employees, United States Coast Guard, fiscal year 1940, and such portions of the appropriations for the Lighthouse Service, fiscal year 1940, for salaries, lighthouse vessels; salaries, keepers of lighthouses; and salaries, Lighthouse Service, as the Director of the Bureau of the Budget with the approval of the President may determine, shall be transferred and consolidated into an appropriation "Civilian employees, United States Coast Guard, 1940."

Each of the foregoing consolidated appropriations shall be available for all the purposes of the several individual appropriations transferred and consolidated therein, but shall be subject to the limitations on expenditures for particular objects contained in the texts of such individual appropriations: *Provided*, That whenever civilian employees of the Coast Guard shall acquire, during the fiscal year 1940, a military status in the Coast Guard, funds for their pay and allowances may be transferred from the consolidated appropriation "Civilian employees, United States Coast Guard, 1940," with the approval of the Director of the Bureau of the Budget, to the appropriation "Pay and allowances, United States Coast Guard."

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

The amendment was agreed to.

The next amendment was, on page 70, after line 8, to insert the following:

(b) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1936 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (5 U. S. C. 266), as fully set forth in Senate Document Numbered 114, Seventy-sixth Congress, there is appropriated as follows:

Legislative: For contingent expenses, Library of Congress, $150.

Independent Offices: For Federal Civil Works Administration, $80.76.

For salaries and expenses, Federal Communications Commission, $47.70.

For maintenance of air-navigation facilities, Civil Aeronautics Authority, $12.31.

For maintenance, National Institute of Health, $20.60.

For salaries and expenses, public buildings, outside the District of Columbia, National Park Service, $2.

For Army and Navy pensions, $40.

For medical and hospital services, Veterans' Bureau, $1.

For salaries and expenses, Veterans' Administration, $75.70.

Department of Agriculture: For salaries and expenses, Forest Service, $45.60.
For salaries and expenses, Bureau of Agricultural Economics, 84 cents.
For salaries and expenses, Soil Conservation Service $2.25.
For salaries and expenses, Bureau of Entomology and Plant Quarantine, 95 cents.
For plant reserve stations, Soil Conservation Service, $36.65.
For grasshopper control, $7.50.
For working fund, Agriculture, Animal Industry (Agricultural Adjustment Administration), $116.13.
For loans and relief in stricken agricultural areas (transfer to Agriculture), $1,506.90.
For loans to farmers in drought- and storm-stricken areas, emergency relief, $13.42.
For conservation and use of agricultural land resources, Department of Agriculture, $56.09.
For elimination of diseased cattle, Department of Agriculture, $315.
For exportation and domestic consumption of agricultural commodities, Department of Agriculture, $255.38.
For National Industrial Recovery Resettlement Administration, submarginal lands (transfer to Agriculture), $2,403.40.
Department of Commerce: For air-navigation facilities, $92.25.
For National Industrial Recovery, Commerce, Aeronautics, $88.80.
District of Columbia: For Freedmen's Hospital, District of Columbia, $234.
Emergency relief: For emergency relief, Agriculture, Soil Conservation Service, flood control, and other conservation, $33.36.
For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, etc., $3,698.70.
For emergency relief, Navy, yards and docks, $5.56.
For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), $78.58.
For emergency relief, Works Progress Administration, assistance for educational, professional, and clerical persons, $122.10.
For emergency relief, Emergency Conservation Work, War, Civilian Conservation Corps, $630.90.
For emergency relief, Emergency Conservation Work, Interior, Indians, miscellaneous projects, Indian reservations, $75.
For emergency relief, War, rivers and harbors, flood control, etc., $3.55.
For emergency relief, Works Progress Administration, grants to States, etc., $110.82.
For emergency relief, Works Progress Administration, highways, roads, and streets, $141.03.
For emergency relief, Works Progress Administration, public buildings, $24.30.
For emergency relief, Works Progress Administration, public utilities, etc., $164.40.
Department of the Interior: For salaries and expenses, Bureau of Biological Survey, $9.48.
For salaries, General Land Office, $70.
For National Industrial Recovery, Interior, National Park Service, recreational demonstration projects, $54,320.24.
For irrigation, Indian reservations $117.09.
For Indian school support, $2,001.85.
For Indian school buildings, 38 cents.
For support of Indians and administration of Indian property, $7.98.
For conservation of health among Indians, $91.41.
For Indian agency buildings, $19.58.
Department of Justice: For salaries, fees, and expenses of marshals, United States courts, $159.62.
For fees of jurors and witnesses, United States courts, $15.78.
For support of United States prisoners, $239.
For salaries and expenses, Bureau of Prisons, $3.
For miscellaneous expenses, United States courts, $21.36.
Department of Labor: For salaries and expenses, Immigration and Naturalization Service, $38.35.
Navy Department: For pay, subsistence, and transportation, Navy, $19,430.44.
For pay of the Navy, $216.83.
For maintenance, Bureau of Supplies and Accounts, $146.96.
For pay, Marine Corps, $17.63.
For general expenses, Marine Corps, $16.65.
For aviation, Navy, $62,159.71.
For increase of the Navy, emergency construction, $119,223.65.
For organizing the Naval Reserve, $3.92.
For miscellaneous expenses, Navy, $1.84.
For ordnance and ordnance stores, Bureau of Ordnance, $126,515.04.
For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), $60.45.
Treasury Department: For collecting the internal revenue, $3.51.
For fuel and water, Coast Guard, $6.
For compensation of employees, Bureau of Engraving and Printing, $2.72.
For increase of compensation, Treasury Department, 81 cents.
For salaries and expenses, Bureau of Engraving and Printing, $4.83.
For collecting the revenue from customs, $3.30.
War Department: For general appropriations, Quartermaster Corps, $4,685.49.
For pay of the Army, $972.61.
For pay of the Army, $784.80.
For arming, equipping, and training the National Guard, $6.60.
For Army transportation, $121.23.
For National Guard, $112.68.
For increase of compensation, Military Establishment, $56.11.
For barracks and quarters, $21.86.
For Reserve Officers' Training Corps, $18.77.
For Organized Reserves, $4.95.
For ordnance service and supplies, Army, $8.15.
For travel of the Army, $5.52.
For clothing and equipage, $3.45.
For clothing and equipage, Army, $57.42.
For emergency conservation fund (transfer to War, act March 31, 1933), $198.16.
For emergency conservation fund (transfer to War, act June 19, 1934), $281.18.
For emergency conservation work (transfer to War, act June 22, 1936), $2,256.02.
For emergency conservation work (transfer to War, act February 9, 1937), $4,451.47.
For loans and relief in stricken agricultural areas (transfer from emergency conservation work to War, act June 19, 1934), $1.68.
Post Office Department—Postal Service (out of the postal revenues): For city-delivery carriers, $24.68.
For indemnities, domestic mail, $30.63.
For rent, light, and fuel, $450.
For Rural Delivery Service, $25.04.
For Star Route Service, $1.85.
For transportation of equipment and supplies, $80.69.
For vehicle service, $11.96.
For village-delivery service, $4.90.
Total, audited claims, section 204 (b), $410,297.84, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

Mr. ADAMS. Mr. President, I ask that the judgments and audited claims may be treated as one amendment, and passed upon en bloc.

The PRESIDING OFFICER. The Senator from Colorado makes a request for unanimous consent that the amendments covering judgment claims be agreed to en bloc. Without objection, it is so ordered, and without objection, the amendments are agreed to en bloc.

Mr. McCARRAN. Mr. President, have all the committee amendments been agreed to?

The PRESIDING OFFICER. The committee amendments have all been acted on.

Mr. McCARRAN. Mr. President, I send to the desk an amendment and ask for its adoption.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

Notwithstanding the provisions of any other law, the rates of pay for persons engaged upon any projects financed in whole or in part by moneys of the United States of America shall not be less than the prevailing rates of pay for work of a similar nature in the same locality as determined by the Government agency having charge of or which has advanced moneys for such project.

Mr. McCARRAN. Mr. President, I move the adoption of the amendment.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER. The Senator from Colorado.

Mr. McCARRAN. I yield to the Senator.

Mr. ADAMS. I did not ask the Senator to yield.

Mr. McCARRAN. I move the adoption of the amendment.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nevada [Mr. McCARRAN]. The Senator from Colorado [Mr. ADAMS] is recognized.

Mr. ADAMS. Mr. President——

Mr. McCARRAN. I do not yield.

Mr. ADAMS. The Senator cannot have an amendment submitted to the Senate and keep the floor.

The PRESIDING OFFICER. When the question was presented, the Senator from Colorado addressed the Chair, and he now has the floor.

Mr. McCARRAN. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. I offered the amendment, and I certainly have the right to address the Senate on my amendment.

The PRESIDING OFFICER. The Senator offered the amendment, then asked that the question be stated. The Chair stated the question. When the Senator took that step, he surrendered the floor, and the Senator from Colorado immediately claimed the floor, and was recognized by the Chair.

Mr. ADAMS. Mr. President, did the Senator from Nevada desire to address the Senate? If so, I will ask recognition after he concludes.

Mr. McCARRAN. Mr. President, if the Senator from Colorado has a rule to invoke, I ask him to invoke it now, otherwise I am going to ask that the Senate immediately proceed to the consideration of this amendment. I ask for the yeas and nays, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Downey	McKellar	Shipstead
Andrews	George	McNary	Smith
Austin	Gerry	Maloney	Stewart
Bailey	Gibson	Mead	Taft
Bankhead	Gurney	Miller	Thomas, Okla.
Barkley	Hale	Minton	Thomas, Utah
Borah	Harrison	Murray	Tobey
Bridges	Hatch	Neely	Townsend
Brown	Hayden	Nye	Truman
Bulow	Herring	O'Mahoney	Tydings
Burke	Johnson, Calif.	Overton	Vandenberg
Byrnes	Johnson, Colo.	Pepper	Van Nuys
Capper	King	Pittman	Wagner
Chavez	La Follette	Radcliffe	Walsh
Clark, Idaho	Lee	Reed	Wheeler
Clark, Mo.	Lodge	Russell	White
Connally	Lucas	Schwartz	
Danaher	Lundeen	Schwellenbach	
Davis	McCarran	Sheppard	

The PRESIDING OFFICER (Mr. TRUMAN in the chair). Seventy-three Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. McCARRAN].

Mr. McCARRAN. Mr. President, I have held the attention of the Senate on many occasions on this particular subject. I shall ask for the attention of the Senate for but a few minutes in the concluding hours of this the first session of the Seventy-sixth Congress. I hope I may have the attention of the Senate to a proposal the adoption of which, to my mind, is vital to the lowly and the humble in the United States today. That I am right in my idea has been emphasized by events which have happened during the past few months.

Mr. President, the toilers of this country builded a structure, and they built it out of their own experience. That structure I choose to call, and American life has chosen to call it, the wage structure of this country. The wage structure of America has been builded out of experience in which the lives of the workers of this country have been expended for more than half a century.

During the first debate on this subject a very able Senator interrupted me to say, "Would you insist on the plumbers of this country receiving $12 a day for their wage?" The answer to that was, "Yes; because the annual average wage for the average journeyman plumber in this country, as disclosed by the records of the Department of Labor, is from twelve to fifteen hundred dollars a year." So when we battle for an hourly wage, when we battle for a standard wage, when we battle for a wage in keeping with that which has been worked out by the workers of this country, we are battling for something which is, perhaps, far less than any one of us in the Senate of the United States would consider worth while working for. Yet the journeyman plumber of today not only supports himself upon an annual average wage of between twelve and fifteen hundred dollars, but he supports the boys and girls who are dependent upon him, his own children, his own dependents.

Mr. President, my amendment proposes to sustain that which has been worked out by the toilers of America through half a century of experience, and prevent tearing down the wage structure of this country, but to maintain it so that American life—and when I say American life, I mean the life of the average worker of this country—shall be sustained in keeping with that struggle which has been made by the toilers of America during all of this period.

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

Mr. McCARRAN. I yield.

Mr. WAGNER. I should like to ask the Senator whether it is not his view that if the Government, upon projects identical with those which may be constructed by private industry, pays a wage for similar work which is one-half, or even less than one-half, of the prevailing rate of wage, it will not in time drag down the wages set by years of struggle by the workers in private industry?

Mr. McCARRAN. I am very grateful to the Senator for the question. I propose to answer it somewhat at length, because I had the thought in mind and I desire to follow it up.

Mr. WAGNER. Since the Senator has the thought in mind, let me give him a specific case, so that we will not be talking merely about surmises.

It may very well be that one school project is being built by a municipality under the regular contract system, which requires the payment to bricklayers or carpenters of the prevailing rate of wage, and that a few blocks away another schoolhouse is being constructed under Works Progress, and yet, in spite of the fact that it is built so close to the other project, and that both projects, in a sense, are built for the municipality, in one case the wages may be one-half or even less than one-half the wages being paid on the other school project. I am sure the Senator agrees with me that such a situation cannot be allowed to exist without eventually affecting the wages which private industry pays, and dragging down the standards fixed after years of struggle by the workers in the particular industry.

Mr. McCARRAN. Mr. President, I wish to express my sincere gratitude to the able senior Senator from New York not only for propounding the question and thus shedding light on the thought, but for his suggestions. His mind and mine have run along this channel together for many years. We worked together when we first started on this great movement to sustain the prevailing wage in America. I know we shall work together in the effort to have it sustained on projects constructed with Government aid.

Mr. President, let me go a little further than the thought which has been suggested by the able senior Senator from New York. The Government of the United States is today and will be for some time to come, the greatest employer of labor in the world. I am not taking in too much territory when I say that it is the greatest employer of labor in the world. If the greatest employer of labor on all the earth is about to step in and even inferentially to tear down the wage structure which has been builded out of blood and brawn and determination for half a century, then what will become of private industry? Of course private industry, the minor factor, as compared with labor, the major factor, will immediately say, "Well, if the Government will not pay this wage why shall we pay it? If the Government will not pay a dollar an hour to plumbers in America why should private industry pay it?" Notwithstanding the fact that the journeyman plumbers in America may be only earning the meager sum of $1,500 per year.

Mr. President, I appeal to the Senate today to say that none of the excuses which have heretofore been offered shall prevail against the amendment because now we are confronted with a question which requires two-thirds of the Senate to set aside a rule.

Mr. President, in the name of America, in the name of the toilers of the country, in the name of the greatest glory of those who work, let two-thirds of the Senate set aside the rule, so that the amendment may be adopted by the Senate of the United States, even though at this time I realize that there is scarcely more than a quorum of the Senate present. Many Senators, I am sorry to say, for one reason or another, have gone. The session has been long. But, be that as it may, is it not time for those who are here to respond to this call of labor, that America may announce to the world that labor in this country, which has struggled

for over half a century to establish a wage in keeping with the American standard of living, shall not be voted down by the Senate of the United States even under a rule?

Mr. ADAMS. Mr. President, the Senator from Nevada has made a motion. He also accompanied his motion originally with a motion to suspend the rule. I ask whether or not that motion to suspend the rule is the matter before the Senate.

The PRESIDING OFFICER. The motion before the Senate is the motion on the amendment made by the Senator from Nevada.

Mr. ADAMS. Mr. President, the Senator by filing his notice of intention to suspend the rule has given notice to the Senate that he knows that his amendment is not proper unless the rule is suspended.

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

Mr. ADAMS. I yield.

Mr. McCARRAN. Mr. President, the only matter pending before the Senate is my amendment.

The PRESIDING OFFICER. The Chair so rules.

Mr. ADAMS. That is what the Chair ruled. Now, Mr. President, I am on the floor today as the servant of a great committee, of which the Senator from Nevada is an eminent member. That committee has given orders to those who appear upon the floor in charge of the bill as to what they shall do. The rule of the Appropriations Committee is as follows:

> Any member or ex-officio member of the Committee on Appropriations of the Senate who has in charge an appropriation bill is hereby authorized and directed to make points of order against any amendment offered in violation of the Senate rules on the floor of the Senate to such appropriation bill.

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

Mr. ADAMS. No, Mr. President; I cannot yield at this time.

Mr. BARKLEY. Mr. President, may we have better order?

The PRESIDING OFFICER. The Chair has been trying diligently to obtain order, but there cannot be order in the Senate so long as Senators are to have conferences all over the floor and the occupants of the galleries engage in conversation.

Mr. ADAMS. Mr. President, there is no one in the Senate more skillful in parliamentary procedure than is the Senator from Nevada. There is no one better informed as to his rights. No one knows better than he the embarrassment which he causes the chairman of the subcommittee when he presents an amendment which he knows conflicts with the rule and compels the chairman of the subcommittee to take the floor.

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

Mr. ADAMS. No; I wish to finish the statement if I may. It is a very brief statement.

Mr. President, I have voted as frequently and as earnestly and as consistently for prevailing-wage provisions as has the Senator from Nevada. I think I voted with him when he made his first motion, and I have since continued to do so. I voted with him when the relief bill was before the Senate a few days ago.

Mr. McCARRAN. Mr. President, I wish to agree in the statement just made by the Senator from Colorado, if I may do so in his time.

Mr. ADAMS. And I propose to vote with the Senator to suspend the rule. If the rule is suspended, I propose to vote for his amendment. But I am here under orders from him and from 22 other members of the Appropriations Committee. I have the option to surrender my position as the chairman of the subcommittee, to decline to present the bill on the floor as the representative of the committee, or to follow the orders of the committee.

Mr. President, the Senator from Nevada recognizes the propriety and the necessity of suspending the rule by having filed his notice.

Mr. President, there was one way in which the Senator from Nevada could have met the situation. He could have come before the Appropriations Committee and asked that committee to change its rule so as to exempt the chairman of the subcommittee from making his point of order. That is a thing which has been done with some frequency.

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

Mr. ADAMS. I yield.

Mr. McCARRAN. Is it not true that yesterday I filed this very motion and notice of a motion to suspend the rule with the subcommittee and asked that I might be permitted to present the matter to the Senate?

Mr. ADAMS. The Senator was present in the subcommittee and had ample opportunity. The Senator was present this morning in the full committee. The Senator knows that never at any time has he received anything but the fullest hearing and been shown the utmost courtesy on the part of the members of the committee.

Mr. McCARRAN. Mr. President, the able Senator does not answer my question. Is it not true that yesterday I presented myself before the subcommittee and presented my amendments and asked that I might be permitted to present them to the Senate?

Mr. ADAMS. Of course, the Senator has that privilege. The Senator did not ask that the Senate Committee on Appropriations should instruct its chairman not to make the point of order.

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

Mr. ADAMS. I yield.

Mr. CLARK of Missouri. Is it not a fact that there is a rule of long standing in the Appropriations Committee of the Senate which requires either the chairman of the full committee or the chairman of the subcommittee in charge of the bill, whenever an amendment may be presented which is subject to a point of order, to make the point of order?

Mr. ADAMS. There is such a rule.

Mr. CLARK of Missouri. The only option left to the chairman of the full committee or the chairman of the subcommittee, as the case may be, is either to make the point of order or to resign his position as chairman of the committee.

Mr. ADAMS. There is no doubt about that.

Mr. CLARK of Missouri. Let me ask one further question. As I understand—and the Senator from Colorado can correct me if I am mistaken—no matter what his views may be upon any amendment to the bill reported from his subcommittee, he has no option except to make the point of order, if an amendment is subject to a point of order, or to resign his position as chairman of the subcommittee.

Mr. ADAMS. The Senator is absolutely correct.

Mr. CLARK of Missouri. Or to violate the plain rule of the committee.

Mr. ADAMS. Or to be unfaithful to a great committee of the Senate which has honored him by that chairmanship.

Mr. CLARK of Missouri. It has been the custom on occasion for a member of the committee, or for any other Senator, or for the chairman of the subcommittee himself, to request the committee not to require him to make the point of order personally. As I understand the practice of the committee, of which I am not a member, in the absence of such permission by the committee the chairman of the subcommittee or the Senator in charge of the bill is bound by the rule of the committee. Is that correct?

Mr. ADAMS. That is correct, and he is bound by every obligation of good faith to his committee.

Mr. McCARRAN and Mr. PEPPER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield, and if so to whom?

Mr. ADAMS. I yield to the Senator from Nevada.

Mr. McCARRAN. Mr. President, I wish to address an inquiry through the Senator from Colorado, who has the floor, to the able Senator from Missouri.

Mr. CLARK of Missouri. I shall be glad to answer the question if the Senator from Colorado will yield and I can answer it.

Mr. McCARRAN. If a member of the Appropriations Committee to whom the rule applies should appear before the committee and submit in writing his proposed amendment and ask that he be permitted to offer the amendment

and that the rule be waived in that respect, would the Senator say that the rule had been complied with, so that the able chairman of the subcommittee need not invoke the rule?

Mr. CLARK of Missouri. Mr. President, although I do not profess to be an authority on the subject, I should consider that to be a case in which the Senator appearing before the committee had discharged his full obligation by asking leave to offer the amendment. However, unless the committee itself had absolved the chairman of the subcommittee from the rule he certainly would not be absolved from it.

Mr. McCARRAN. I should like to ask one further question.

Mr. CLARK of Missouri. I shall be glad to answer it if the Senator from Colorado will yield.

Mr. ADAMS. Certainly.

Mr. McCARRAN. Is it not true that the rule is that any matter of legislation attached or attempted to be attached to an appropriation bill must be objected to, and that the chairman must first declare it to be a matter of legislation? I contend that this is not a matter of legislation.

Mr. CLARK of Missouri. Mr. President, that is a question to be passed upon first by the Chair, and ultimately by the Senate. I should say that in any situation in which the chairman of the committee or of the subcommittee bound by such a rule felt that an amendment proposed legislation, he would be in honor bound to make the point of order, unless he desired to resign his chairmanship.

Mr. McCARRAN. Through the able Senator from Colorado I should like to ask another question of the able Senator from Missouri, who is one of the outstanding parliamentarians of this body and of the Congress of the United States.

Mr. CLARK of Missouri. I thank the Senator for his kind remarks.

Mr. McCARRAN. Having presented my amendment to the Committee on Appropriations, was it not then for the Committee on Appropriations to instruct either one way or the other?

Mr. CLARK of Missouri. Mr. President, I can speak only for myself in that connection in response to such a question. If I were the chairman of a subcommittee bound by such a rule as the Appropriations Committee undoubtedly has, and a member of the committee were to propose an amendment and give notice of a motion to suspend the rule, unless the committee itself relieved me of my responsibility to make the point of order, I should feel bound to make it. I can speak only for myself. There is no parliamentary rule about such matters. They are matters of judgment. I can tell the Senator only what I myself would do. No matter what my own attitude toward such an amendment might be, unless I were relieved by specific authority of. the committee, if I were chairman of the subcommittee I should feel bound to make the point of order.

Mr. ADAMS. Mr. President, would it be proper for me to make a parliamentary inquiry as to whether or not the amendment submitted is legislation?

The PRESIDING OFFICER (Mr. TRUMAN in the chair). The Chair will rule that it is.

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

Mr. ADAMS. I yield.

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PEPPER. Would it be possible for the Senator from Colorado to ask unanimous consent of the Senate that the chairman of the subcommittee, the Senator from Colorado [Mr. ADAMS], be excused from making the point of order on the amendment? If so, will the Senator yield for the submission of that request?

The PRESIDING OFFICER. In the opinion of the Chair that is a matter entirely within the jurisdiction of the Committee on Appropriations.

Mr. PEPPER. Mr. President, am I to understand that the committee is not the creature of the Senate, and that the Senate does not have superior authority?

The PRESIDING OFFICER. The Senate may set aside the rules of the committee if it so chooses.

Mr. PEPPER. Mr. President, I ask unanimous consent that the Senator from Colorado be excused by the Senate from making the point of order on the amendment.

Mr. MILLER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ADAMS. Mr. President, in view of the statement from the Chair that the pending amendment is legislation, notwithstanding my holding views which are in favor of the amendment, and notwithstanding my previous votes for it and my intention to vote for the suspension of the rule, I am compelled, under the direction of the committee which I represent, to make the point of order.

The PRESIDING OFFICER. The point of order is sustained.

Mr. McCARRAN. Mr. President, 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	Danaher	Lucas	Sheppard
Andrews	Davis	Lundeen	Shipstead
Ashurst	Downey	McCarran	Smith
Austin	Ellender	McKellar	Stewart
Bailey	George	Maloney	Taft
Bankhead	Gerry	Mead	Thomas, Okla.
Barkley	Gibson	Miller	Thomas, Utah
Borah	Gurney	Minton	Tobey
Bridges	Hale	Murray	Townsend
Brown	Harrison	Neely	Truman
Bulow	Hatch	Nye	Tydings
Burke	Hayden	O'Mahoney	Vandenberg
Byrd	Herring	Pepper	Van Nuys
Byrnes	Johnson, Calif.	Pittman	Wagner
Capper	Johnson, Colo.	Radcliffe	Walsh
Chavez	King	Reed	Wheeler
Clark, Idaho	La Follette	Russell	White
Clark, Mo.	Lee	Schwartz	
Connally	Lodge	Schwellenbach	

The PRESIDING OFFICER. Seventy-four Senators have answered to their names. A quorum is present.

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 without amendment the following bills and joint resolution:

S. 628. An act to allow the Home Owners' Loan Corporation to extend the period of amortization of home loans from 15 to 25 years;

S. 1617. An act for the relief of John Nicholas Chicouras; and

S. J. Res. 160. Joint resolution to provide for the maintenance for public use of certain highways in the Shenandoah National Park.

The message returned to the Senate, in compliance with its request, the bill (H. R. 5982) for the protection against unlawful use of the badge, medal, emblem, or other insignia of veterans' organizations incorporated by act of Congress, and providing penalties for the violation thereof.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2) authorizing the Secretary of the Interior to convey certain land to the State of Nevada to be used for the purposes of a public park and recreational site and other public purposes, and it was signed by the President pro tempore.

THIRD DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 7462) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1939, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1939, and June 30, 1940, and for other purposes.

Mr. McCARRAN. Mr. President, I now move to suspend paragraph 4 of rule XVI for the purpose of proposing an amendment to House bill 7462, known as the third deficiency appropriation bill for the fiscal year 1939.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

Mr. McCARRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada to suspend paragraph 4 of rule XVI.

Mr. McCARRAN and other Senators asked for the yeas and nays.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia——

Mr. McCARRAN. Mr. President, may I have a ruling as to whether the yeas and nays are ordered?

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. RUSSELL. Mr. President, I hope Members of the Senate will listen to me for about 3 minutes, in order that I may give them my views as to what this amendment will accomplish.

This amendment does not repeal any provision of existing law. It is to be applied in conjunction with the provisions of section 15 of the Relief Act and in my opinion will wreck the entire W. P. A. program and create a preferred class of workers. There has been more confusion about the question of the prevailing wage and the monthly wage than any other matter that I know of that has been before the Congress. There are over 4,000 different schedules of wages that have been paid heretofore under the prevailing-wage provision. There have been three different scales of monthly compensation that are paid in the three areas. The Nation has heretofore been divided into three areas. In the act which passed this year, and which is in effect at the present time, there will be found this language:

> The Commissioner shall require that the hours of work for all persons engaged upon work projects financed in whole or in part by funds appropriated by section 1 shall (1) be 130 hours per month.

If we adopt this amendment it will require the payment of the prevailing wage for each hour of the 130 hours in the month. Skilled workers under the old law, did not, in many cases, work more than 40 or 50 hours. I had not seen this amendment until a few minutes ago and I have not had an opportunity to prepare all the figures, but, taking as an illustration a brick mason in New York City, under the old law he was making $1.88 an hour, and he worked 46 hours a month for a monthly wage of $86.48. If this amendment should be adopted, which, in connection with the present law, will require the payment of the prevailing wage for 130 hours a month, the wages of the brick mason in New York City, working on Work Projects Administration projects, will be $244.40 a month.

If Senators want to vote to cut the W. P. A. rolls down to about one-fourth of what they are at the present time, they can adopt this amendment, because it will require the Administrator to give every person on the roll 130 hours a month and require him to pay each worker the prevailing wage. This will increase tremendously the pay of all skilled workers and result in reducing the total number of persons we can help.

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

Mr. RUSSELL. I yield.

Mr. BARKLEY. In what respect will that situation differ from the condition that prevailed at June 30, under the prevailing-wage provision of the Relief Act?

Mr. RUSSELL. Perhaps I did not go fully enough into that. Under conditions that obtained prior to July 1, the Commissioner fixed a sufficient number of hours so that each of the skilled craft earned the monthly security wage. In other words, the bricklayer in New York City was only allowed to work 46 hours a month. If this amendment be adopted, he will be required to work 130 hours a month, and he will be paid $1.88 an hour for each of those hours worked.

Mr. BARKLEY. The question I ask is pertinent to me in this respect: When the amendment was offered on the bill of which I had charge a few days ago, I opposed the adoption of the amendment on that bill, but rather encouraged the Senator from Nevada and others who were interested in that proposal to believe that it would be possible to offer it on this bill. I have been under the impression that what the amendment sought to do was to restore the wage situation which existed on W. P. A. projects prior to July 1.

Mr. RUSSELL. The Senator from Kentucky had better investigate the amendment offered by the Senator from Nevada, because it does not undertake to do so. The amendment which is now pending is wholly different from the amendment which the Senator from Nevada offered to the so-called spend-and-lend bill.

Mr. BARKLEY. I was going to ask the Senator to explain, briefly, in what respect the amendment now pending differs from the one offered the other day. Because of that amendment, I feel myself personally obligated to vote to suspend the rule, for I stated on the floor that I was favorable to the original prevailing-wage provision of the Relief Act, and I had voted for it when the Relief Act was under consideration. Now, if the amendment has been changed from what I thought it was, I should like to know in what respect it has been changed.

Mr. RUSSELL. The Senator from Nevada, of course, can answer that question better than can the Senator from Georgia. But this amendment is not the same amendment which the Senator from Nevada offered to the spend-and-lend bill. The amendment offered to the spend-and-lend bill gave the Administrator of the W. P. A. the discretion to fix the number of hours which any person might work within a month, but did require him to pay the prevailing wage for each hour of employment. This amendment——

Mr. BARKLEY. Does this amendment require him to fix 130 hours?

Mr. RUSSELL. No; but the present law does. This amendment does not undertake to strike out that provision from the present law.

Mr. BARKLEY. So that this amendment, in conjunction with the relief act itself——

Mr. RUSSELL. The Senator has used the identical language I used, namely, that this amendment, in conjunction with existing law, will compel the Administrator to require members of skilled crafts to work 130 hours per month and to pay them the prevailing wage for each hour of employment, whereas now very few of the members of the skilled craft work over 80 hours a month, and many of them work as few as 40 a month.

The amendment will have the effect, I may say, under the provisions of the law which requires the relief appropriation to be apportioned over a 12-month period, to cut the number of people on the W. P. A. to fewer than one-third of the number on the roll at the present time.

Mr. BARKLEY. If the Senator will permit a word there, I have been laboring under the impression that what was desired by the Senator from Nevada was to restore the situation precisely as it existed prior to July 1. I thought that was satisfactory to everybody; that is what I thought I was voting for on the relief bill, and that is what I thought we had before us the other day when the bill of which I was the author was before the Senate. If there has been a change in the proposal I should like to know what effect it will have.

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

Mr. RUSSELL. I yield.

Mr. BYRNES. It is a confusing and very technical question. There was nothing in the bill reported by the House, and which became a law, specifically referring to the prevailing hourly rate, but the bill as reported by the House which became a law provided that every person should be required to work at least 130 hours a month.

Mr. BARKLEY. That has never before been in the law.

Mr. BYRNES. It has never before been in the law. The law provides, too, that the Administrator shall fix the monthly earning schedule, which is what we call the security wage. When the monthly earning schedule is fixed for the various regions—$70 or $72.50, for instance, in the city of Washington for skilled workers—and then they are required to work

130 hours, automatically the prevailing hourly wage is reduced.

The Senator from Georgia is correct in saying that so long as the law requiring a man to work 130 hours remains on the statute books it does affect, as the Senator will see, the amount of money that can be paid for the hourly wage. There is not any question about it. We may as well understand that whatever confusion there may be in the minds of some, the controversy arises out of the provision that a man must work 130 hours; and in the case given, instead of reeciving $72.50 he would receive more than that amount. Up to July 1 a plumber in the city of Washington worked 42 hours, earned $72.50, and then knocked off for the month. Now he has got to work 130 hours. That is where the difficulty comes in.

Mr. BARKLEY. May I ask the Senator from Georgia or the Senator from South Carolina or both to advise the Senate how many skilled workers affected by this amendment there are in the country out of the total, say, of 3,000,000 men working on W. P. A.?

Mr. RUSSELL. It not only affects the skilled workers but it affects every worker; it affects the unskilled worker as well. Take, for an example, those employed in the sewing rooms in this country. Under the system which obtained prior to July 1, in the city of Minneapolis, by way of illustration, the women employed in the sewing room, worked 100 hours per month for $55 a month. Under this amendment they would be required to work 130 hours per month, and their compensation would be increased to, in the neighborhood of, $70 a month. If the W. P. A. has to pay $70 from a certain amount of money for a month's work, whereas under the condition that obtained before it paid only $55, it stands absolutely as an incontrovertible fact that it will be necessary to reduce the total number of those on W. P. A.

Mr. BARKLEY. As I understand the Senator, under the law as it now is, all those on relief work are required to work 130 hours in order to obtain a certain wage?

Mr. RUSSELL. Yes; since the 1st of July.

Mr. BARKLEY. That is what I mean, under the law as it is now.

Mr. RUSSELL. That is correct.

Mr. BARKLEY. So, unless we change that provision, the W. P. A. will be compelled to give them 130 hours work per month, but the workers will do that 130 hours work at the wage provided under the amendment offered now, not, of course, under the security wage.

That difference will be, then, that heretofore the W. P. A. has had discretion to decide how many hours any group might work at the prevailing wage, but under the law as it will exist under this amendment, if adopted, they will still be required to give them 130 hours' work per month, and they will have to pay them at the rate carried by the amendment.

Mr. RUSSELL. The Senator from Kentucky has stated the case substantially correctly. However, as I have said, the Work Projects Administration has created three different areas. Within each of those areas they pay the same compensation for a month's work. It might be that in one city of 50,000 people, within region No. 1, a skilled worker would receive $70 per month and might be required to work 70 hours a month, while in another city in the same county another skilled worker would draw the same monthly wage, but if the prevailing hourly wage was $1.25 he would work 25 percent fewer hours than the one in the other city.

The wage scale of the Work Projects Administration is a tremendously confusing thing. The only thing that has been standard about it has been the monthly security wage which has been fixed in the 3 areas depicted on the chart which the Senator from Nevada had placed upon the desks of Senators when this question was before the Senate some weeks ago. But there are over 4,000 different prevailing-wage scales for different types of work in the different cities and counties of the United States. However, there are only 3 different areas, and they are divided into 5 classifications of monthly compensation, depending upon the size of the city within the county where the wage scale is fixed.

Many Senators do not appear to be clear in their minds as to all the difficulties we have had on the works progress projects. What have been commonly called strikes have grown out of the fact that the Government changed the terms of the conditions of employment. Under the old system, these persons were employed on an hourly basis. They were paid an hourly wage. The skilled crafts in most cases did not work over 60 hours a month. The unskilled workers in most cases worked as much as 100 hours a month, and in many cases as much as 144 hours a month, particularly in the Southern States, where the hourly wage scale and the monthly wage scale were the lowest.

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

Mr. RUSSELL. As soon as I complete this statement.

On the 1st of July the Government changed from a basis of hourly compensation to a basis of monthly compensation, and required every person employed on Works Progress projects to work 30 hours a week, or a total of 130 hours a month. The strikes grew out of the fact that the hours of labor for the skilled crafts were lengthened from 40 or 50 hours a month to 130 hours a month without increasing the monthly compensation. The same monthly compensation was paid.

Mr. PEPPER and Mr. BYRNES addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Georgia yield, and, if so, to whom?

Mr. RUSSELL. I yield first to the Senator from Florida.

Mr. PEPPER. Mr. President, in view of the very clear explanation which the Senator from Georgia has given, would his objections be met if this amendment were amended by the addition of words which would eliminate the requirement that the Administrator give all the W. P. A. workers 130 hours' work a month? In other words, his objection would be met if that requirement in section 15, as it now exists, were deleted; would it not?

Mr. RUSSELL. The objection I have outlined up to this time would be eliminated; but I certainly should want to see the amendment in writing before accepting it merely on a brief explanation of that kind. I should want to know what effect it is going to have on other phases of existing law.

Mr. PEPPER. The question apparently has to be decided now, because it is before the body; but is not the Senator aware of the fact that section 15 is not affected at all by this amendment, other than that its general effect might be in antithesis to the provisions of section 15?

Mr. McCARRAN. Mr. President, will the Senator from Georgia kindly yield that I may discuss the matter in keeping with the question propounded?

Mr. RUSSELL. I yield.

Mr. McCARRAN. We now have before the Senate one question; namely, the suspension of the rule. If the rule is suspended, then I may offer my amendment as a substitute for section 15, or the body may amend my proposal as it may see fit; but until we suspend the rule we can do nothing. If we suspend the rule, then I am willing to try to conform to many of the suggestions.

All that I have in mind is that the prevailing rate of wage per hour in America shall be sustained. I am entirely content that the administration may fix a ceiling which it will call the security wage per month. That is all right. No one is objecting to that so far as I am concerned. It is the prevailing wage per hour that has been established by labor that I am trying to sustain. If the rule is suspended, then I may offer my amendment as a substitute for section 15; and, if I do, I take it that with such corrections as the able Senator from Georgia and other Senators may suggest, we may get by with the perplexing question.

Mr. BARKLEY. Mr. President, will the Senator yield in order to enable me to propound a parliamentary inquiry?

Mr. RUSSELL. I yield. As I understand, though, I do not have to yield for that purpose. I have always held, from the parliamentary standpoint, that any Member of the Senate

has a right to interrupt any other Member of the Senate to propound a parliamentary inquiry.

Mr. BARKLEY. The parliamentary inquiry is this:

The Senator from Nevada and other Senators have offered amendments which are subject to a point of order, in order to avoid which notice of a motion to suspend the rules has been given; and the notice of suspension and the motion to suspend set out the amendment which is sought to be considered. If the rule is suspended on the basis of the amendment offered by the Senator from Nevada, will he then be permitted under the rules so to perfect his amendment by modification or amendment as to make it possible for the Senate to pass on the modified amendment, or will the Senate have to vote on the specific amendment offered without change?

The PRESIDENT pro tempore. It is the opinion of the Chair that if the Senate sets aside the rule so as to permit an amendment of this kind to be offered to an appropriation bill, and the amendment is therefore placed before the Senate, the amendment will be subject to amendment, provided the amendment to the amendment is germane. If the question is raised that it is not germane, under the rules that question must be submitted to the Senate without debate.

Mr. BARKLEY. I thank the Chair. In other words, when the Senate suspends its rules in order to make an amendment which otherwise would be subject to a point of order, the consideration of that amendment is subject to the same rules that would apply if the amendment were in order in the first instance?

The PRESIDENT pro tempore. Except as to the question of being germane. If the objection is raised that an amendment to the amendment is not germane, that question must be submitted to the Senate immediately, and decided by the Senate without debate.

Mr. BARKLEY. I thank the Chair.

Mr. RUSSELL. Mr. President, I am somewhat disturbed by the statement of the Senator from Nevada that he might offer this amendment as a substitute for section 15. It so happens that some of us here have been very much concerned for 5 years to stand by and see existing in this country a condition under which a wage scale has been fixed in 11 States that was approximately one-half of that which was paid in a number of other States. For 5 years here I have made efforts, on practically every appropriation measure that has been presented to the Senate carrying relief funds, to do something to eliminate the unfair, the unjust, the indefensible discrimination against those employed upon works-progress projects in the Southern States in the matter of their monthly compensation.

Since the adoption of the present provision in the Work Relief Act of 1940 I have seen Senators rise on this floor and have heard them complain, and complain, with some justice, that the compensation of works-progress employees in their States would be reduced on the 1st day of September. How do you suppose those of us feel from the 11 States where our people have been paid in many cases a wage scale of only one-half that which your people have received throughout all of this 5-year period?

When the Works Progress Administration was initiated, the monthly wage scale in some counties of the Southern States was $19 a month to the head of a family, whereby he was supposed to support and feed his family for a period of 30 days. Time after time here I have offered amendments to seek to remedy that condition. Until the present law went into effect, which wiped out any differential other than that based on differences in the cost of living, I never was able to get a single one of my colleagues from any of the States, other than the ones where this low-wage scale prevailed, to stand on the floor of the Senate and say that it was un-American to pay $60.50 to a man rolling a wheelbarrow in New York City for a month's work, and to pay $19 a month to a man doing similar work in a country town in Georgia.

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

Mr. RUSSELL. I yield.

Mr. WAGNER. I agree with the Senator that that differential cannot be justified. It should not exist. I desire to ask the Senator, however, whether so low a wage as that would be the prevailing rate of wage in that community.

Mr. RUSSELL. I have undertaken to show that the prevailing rate of wage has nothing to do with the monthly compensation.

Mr. WAGNER. I am now speaking of the wages to which the Senator refers as being paid in the Southern States, which he says are so low, and I agree that they are low. They are paid on an hourly basis, too; are they not?

Mr. RUSSELL. They are.

Mr. WAGNER. Are those hourly wages below the prevailing rate of wage in those communities?

Mr. RUSSELL. The hourly rate is not. For example, in the city of Atlanta a person employed on a Works Progress project who is a bricklayer, would receive $1.25 an hour, and he would be allowed 57 hours a month. But when it came to his monthly wage, he was entitled to draw only $73 a month, as compared with $94 for the same type of work in the city of New York.

Mr. WAGNER. If both of them are being paid the prevailing rate of wage, how could that differential exist? I am sure that much of a differential does not exist in the prevailing wages generally between North and South.

Mr. RUSSELL. Mr. President, I have undertaken to explain that the prevailing rate of pay applies only to the hourly wage.

Mr. WAGNER. Exactly, and I am referring to that.

Mr. RUSSELL. The monthly wage, of which I complain, is fixed arbitrarily by the Work Projects Administration. It has no relation to the hourly wage, except insofar as it regulates the number of hours a man works for his monthly stipend.

Mr. WAGNER. I do not see what is inconsistent in providing that the workers upon these projects shall be paid the prevailing rate of wage, and also providing by legislation against such rate discrimination. I am sure there should be sufficient ingenuity in this body to cure that, and it can be done by the amendment the Senator from Nevada has offered.

Mr. RUSSELL. It cannot be done if the Senator from Nevada offers it as a substitute for section 15.

Mr. WAGNER. If we suspend the rule, which I hope we will, we can argue that point and certainly agree upon something.

Mr. RUSSELL. I wish to have some assurance in this matter before the rule is suspended. We are in a somewhat better position when it requires a two-thirds vote than when it requires a majority.

Mr. WAGNER. The only assurance I can give the Senator is my own vote, and it certainly will be in support of the contention of the Senator from Georgia that that kind of a differential is not justified and should not exist.

Mr. RUSSELL. I thank the Senator from New York, and I hope he will vote that way if that question is raised, and I am sure he will.

Mr. LUNDEEN. Mr. President, so far as I am concerned—and I am sure many other Senators agree with me—I do not favor this un-American unfairness toward one section of the country in favor of another. We do not want to be unfair to any section of the country; and if we are short of money, as one Senator has stated, as I understood him, if we have not appropriated a sufficient sum we have ample time and can remain here and increase the appropriation, so that American workmen will have a just return for the work they perform.

Mr. McCARRAN. Mr. President, in order that I may relieve the mind of the able Senator from Georgia as to one expression I made just a little while ago, I have conferred with the Senate Parliamentarian, and I am advised that I would not be permitted, under the rule, to offer this amendment as a substitute for section 15. So, with that in mind, I

wish to set the Senator right, lest perchance I might be causing him some apprehension.

Mr. RUSSELL. In that case, if the Senator's amendment be adopted, it would require 130 hours of work each month at the prevailing hourly rate of pay. This would so increase the monthly pay that with the limited funds available it would work to reduce by approximately two-thirds the number who can be taken care of on the W. P. A. rolls. It will make a preferred class of the few fortunate enough to be kept on the roll.

Mr. BYRNES. Mr. President, will not the Senator state the number of skilled workers affected by the law as it now stands? The number is 225,000 out of two and a half million on the W. P. A. rolls.

Mr. BARKLEY. Mr. President, I should like to propound a parliamentary inquiry, because it may have some effect on the vote.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BARKLEY. The Senator cannot offer his proposal as a substitute for section 15 of the present Relief Act, but would the Senator, or any Senator, be permitted to offer as an amendment to the amendment the Senator has now proposed, on which we are basing the motion to suspend the rules, an amendment modifying or changing the requirement of the present law that W. P. A. workers must be given 130 hours of work a month?

The PRESIDENT pro tempore. If the Senate decided that it was germane, it would be in order.

The question is on the motion of the Senator from Nevada [Mr. McCARRAN] to suspend paragraph 4 of rule XVI, so that he may offer his amendment. The yeas and nays have been ordered and the roll will be called.

The legislative clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). I transfer my general pair with the senior Senator from Oregon [Mr. McNARY] to the junior Senator from Delaware [Mr. HUGHES] and vote "nay." I am not advised how the Senator from Delaware would vote if present.

Mr. STEWART (when his name was called). I have a pair with the junior Senator from Oregon [Mr. HOLMAN]. I transfer that pair to the Senator from Mississippi [Mr. BILBO] and vote "nay."

Mr. TOBEY (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. GUFFEY]. If he were present, I understand he would vote "yea." If I were permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. SHIPSTEAD. Mr. President, I have a pair with the senior Senator from Virginia [Mr. GLASS], who, if present, I am informed would vote "nay." I transfer that pair to the senior Senator from North Dakota [Mr. FRAZIER], who, if present, I am informed would vote "yea." So I am free to vote. I vote "yea."

Mr. DAVIS (after having voted in the affirmative). I have a pair with the junior Senator from Kentucky [Mr. LOGAN], who I understand if present would vote "nay." I transfer that pair to the junior Senator from New Jersey [Mr. BARBOUR], who would vote "yea" if present, and allow my vote to stand.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CONNALLY. Regarding the pair just announced by the Senator from Pennsylvania, does it not require two affirmative pairs?

The PRESIDENT pro tempore. It does.

Mr. CONNALLY. Then I make the point that the Senator from Pennsylvania cannot vote.

Mr. LA FOLLETTE. Mr. President, there is no recognition of pairs in the rules of the Senate, and it seems to me that a point of order does not lie. It is purely an arrangement between individual Senators.

Mr. MINTON. Mr. President, if the point of order urged by the Senator from Texas against the pair of the Senator from Pennsylvania is to prevail and be sustained, then I make the same point of order against the vote of the Senator from Tennessee [Mr. STEWART].

The PRESIDENT pro tempore. It has always been held by the Chair in the case of a treaty, where a two-thirds vote is required, that when a Senator desires to cast his vote by an exchange of his pair, he must exchange it with two on the other side.

Mr. LUCAS. My colleague [Mr. SLATTERY] is unavoidably detained on important business. I am advised that the Senator from New Jersey [Mr. SMATHERS] is also detained unavoidably on important business. If these Senators were present, they would both vote "yea." It is my understanding that the Senator from Louisiana [Mr. OVERTON], who is also absent from the Senate, if present would vote "nay." The Senator from New Jersey and the Senator from Illinois are paired with the Senator from Louisiana.

Mr. MINTON. Mr. President, I announce the pair of the senior Senator from Washington [Mr. BONE] and the senior Senator from Iowa [Mr. GILLETTE] with the junior Senator from Alabama [Mr. HILL]. If at liberty to vote, the Senator from Washington and the Senator from Iowa would vote "yea," and the Senator from Alabama would vote "nay."

I also announce that the Senator from Washington [Mr. BONE], the Senator from Iowa [Mr. GILLETTE], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from West Virginia [Mr. HOLT], the Senator from Illinois [Mr. SLATTERY], and the Senator from New Jersey [Mr. SMATHERS] are detained on important public business. I am advised that if present and voting, these Senators would vote "yea."

The Senator from North Carolina [Mr. REYNOLDS] is unavoidably detained. If present and voting, he would vote "yea."

The Senator from Mississippi [Mr. BILBO], the Senator from Virginia [Mr. GLASS], the Senator from Alabama [Mr. HILL], and the Senator from Louisiana [Mr. OVERTON] are unavoidably detained. I am advised that if present and voting, these Senators would vote "nay."

The Senator from Arkansas [Mrs. CARAWAY], the Senator from Ohio [Mr. DONAHEY], the Senator from Delaware [Mr. HUGHES], the Senator from Oklahoma [Mr. LEE], the Senator from Kentucky [Mr. LOGAN], and the Senator from Maryland [Mr. TYDINGS] are necessarily detained.

The Senator from Rhode Island [Mr. GREEN] has a general pair with the Senator from Wisconsin [Mr. WILEY].

The result was—yeas 40, nays 31, as follows:

YEAS—40

Adams	Downey	Maloney	Schwellenbach
Ashurst	Gerry	Mead	Shipstead
Barkley	Gibson	Minton	Thomas, Okla.
Borah	Johnson, Calif.	Murray	Thomas, Utah
Brown	Johnson, Colo.	Neely	Truman
Capper	La Follette	Nye	Vandenberg
Chavez	Lodge	O'Mahoney	Van Nuys
Clark, Idaho	Lucas	Pepper	Wagner
Danaher	Lundeen	Pittman	Walsh
Davis	McCarran	Schwartz	Wheeler

NAYS—31

Andrews	Byrnes	Hatch	Russell
Austin	Clark, Mo.	Hayden	Sheppard
Bailey	Connally	Herring	Smith
Bankhead	Ellender	King	Stewart
Bridges	George	McKellar	Taft
Bulow	Gurney	Miller	Townsend
Burke	Hale	Radcliffe	White
Byrd	Harrison	Reed	

NOT VOTING—25

Barbour	Glass	Lee	Smathers
Bilbo	Green	Logan	Tobey
Bone	Guffey	McNary	Tydings
Caraway	Hill	Norris	Wiley
Donahey	Holman	Overton	
Frazier	Holt	Reynolds	
Gillette	Hughes	Slattery	

The PRESIDENT pro tempore. On this vote the yeas are 40, and the nays are 31. Two-thirds of the Senators present not having voted in the affirmative, the motion to suspend the rule is rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House

had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6635) to amend the Social Security Act, and for other purposes.

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

H. R. 5118. An act for the relief of the State of Ohio;

H. R. 7235. An act to prohibit the maintenance of gambling establishments within the admiralty and maritime jurisdiction of the United States, and for other purposes;

H. R. 7246. An act for the relief of Madeline Vera Bucholz;

H. R. 7294. An act to provide for the establishment of terms of the District Court of the United States for the Southern District of New York at Poughkeepsie, N. Y.; and

H. J. Res. 375. Joint resolution to authorize the sale of surplus agricultural commodities, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

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

S. 882. An act to authorize the Postmaster General to contract for certain power boat service in Alaska, and for other purposes;

S. 1164. An act for the relief of Nadine Sanders;

S. 1234. An act to amend section 13 (a) of the act approved June 25, 1938 (52 Stat. 1069), entitled "Fair Labor Standards Act of 1938";

S. 1899. An act to provide for the detail of a commissioned medical officer of the Public Health Service to serve as Assistant to the Surgeon General;

S. 1989. An act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes;

S. 2133. An act authorizing the conveyance of certain lands to the State of Nevada;

S. 2427. An act authorizing the naturalization of John Ullmann, Jr.;

S. 2478. An act to limit the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in certain cases;

S. 2697. An act to facilitate the execution of arrangements for the exchange of surplus agricultural commodities produced in the United States for reserve stocks of strategic and critical materials produced abroad;

S. 2893. An act to provide for the local delivery rate on certain first-class mail matter;

S. J. Res. 137. Joint resolution authorizing and requesting the President to accept the invitation of the Government of Norway to the Government of the United States to participate in an International Exhibition of Polar Exploration, which will be held at Bergen, Norway, in 1940; and authorizing an appropriation to cover the expenses of such participation; and

S. J. Res. 139. Joint resolution to authorize compacts or agreements between or among the States bordering on the Atlantic Ocean with respect to fishing in the territorial waters and the bays and inlets of the Atlantic Ocean on which such States border, and for other purposes.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 7246. An act for the relief of Madeline Vera Bucholz; to the Committee on Immigration.

H. R. 5118. An act for the relief of the State of Ohio; and

H. R. 7294. An act to provide for the establishment of terms of the District Court of the United States for the Southern District of New York at Poughkeepsie, N. Y.; to the Committee on the Judiciary.

H. J. Res. 375. Joint resolution to authorize the sale of surplus agricultural commodities, and for other purposes; to the calendar.

THIRD DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 7462) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1939, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1939, and June 30, 1940, and for other purposes.

Mr. McCARRAN. Mr. President, I now offer an amendment, of which notice has been given, and ask that it be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following new section:

SEC. —. Section 15 of the Emergency Relief Appropriation Act of 1939, approved June 30, 1939, is amended to read as follows:

"SEC. 15. (a) The Federal Works Administrator (hereinafter referred to as the 'Administrator') shall fix a monthly earning schedule for persons engaged upon work projects financed in whole or in part from funds appropriated by section I. Such monthly earning schedule shall be so fixed that the monthly earnings payable under such schedule to any class of workers shall not be less than the monthly earnings of the Works Progress Administration in effect on June 30, 1939. After August 31, 1939, the monthly earning schedule fixed by the Administrator (1) shall not provide for differentials in the monthly earnings of workers engaged in similar work in the same wage area, and (2) shall not provide for differentials between cities or counties within the same wage area upon the basis of the degree of urbanization or any other factor that will tend to discriminate against the less urbanized areas, and (3) shall increase the monthly security wage in region 3 to conform to the monthly security wage rate in region 2.

"(b) The rates of pay for persons engaged upon projects financed in whole or in part from funds appropriated by this joint resolution shall not be less than the prevailing rates of pay for work of a similar nature in the same locality as determined by the Administrator and shall not be less than the current minimum wage required to be paid by private employers under the provisions of the Fair Labor Standards Act of 1938."

Mr. McCARRAN. Mr. President, I take it that the Senator from Colorado [Mr. ADAMS], the chairman of the subcommittee of the Committee on Appropriations of the Senate, would undoubtedly do what he has stated he would be compelled to do, as I admit he is compelled to under the rule, to invoke the rule that this is legislation on an appropriation bill. So with that in mind I ask, under my notice, as it has been printed in the RECORD, the rule that paragraph 4 of rule XVI be suspended so that the amendment may be considered, and I ask for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. CLARK of Missouri. Did the Senator file a separate notice in connection with this amendment?

Mr. McCARRAN. Yes, Mr. President.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Nevada to suspend paragraph 4 of rule XVI so that he may present his amendment.

The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAVIS (when his name was called). I have a pair with the junior Senator from Kentucky [Mr. LOGAN]. On this vote I transfer my pair with the Senator from Kentucky [Mr. LOGAN] to the Senator from New Jersey [Mr. BARBOUR], and the Senator from North Carolina [Mr. REYNOLDS], and will vote. I vote "yea."

If present the Senator from North Carolina and the Senator from New Jersey would vote "yea," and the Senator from Kentucky would vote "nay."

Mr. HARRISON (when his name was called). Making the same announcement as before with reference to my general pair with the Senator from Oregon [Mr. McNARY] and its transfer, I vote "nay."

Mr SHIPSTEAD (when his name was called). Making the same announcement concerning my pair as before, I vote "yea."

Mr. STEWART (when his name was called). I have a pair with the Senator from Oregon [Mr. HOLMAN]. I transfer

that pair to the junior Senator from Mississippi [Mr. BILBO] and will vote. I vote "nay."

Mr. TOBEY (when his name was called). On this vote I have a pair with the junior Senator from Pennsylvania [Mr. GUFFEY] and the senior Senator from West Virginia [Mr. NEELY]. If the Senator from Pennsylvania and the Senator from West Virginia were at liberty to vote, they would vote "yea." If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE], the Senator from Iowa [Mr. GILLETTE], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the senior Senator from West Virginia [Mr. NEELY], the Senator from Illinois [Mr. SLATTERY], the Senator from New Jersey [Mr. SMATHERS], and the junior Senator from West Virginia [Mr. HOLT] are detained on important public business. I am advised that if present and voting, these Senators would vote "yea."

The Senator from North Carolina [Mr. REYNOLDS] is unavoidably detained. If present and voting, he would vote "yea."

The Senator from Mississippi [Mr. BILBO], the Senator from Virginia [Mr. GLASS], the Senator from Alabama [Mr. HILL], and the Senator from Louisiana [Mr. OVERTON] are unavoidably detained. I am advised that if present and voting, these Senators would vote "nay."

The Senator from Arkansas [Mrs. CARAWAY], the Senator from Ohio [Mr. DONAHEY], the Senator from Delaware [Mr. HUGHES], the Senator from Kentucky [Mr. LOGAN], and the Senator from Maryland [Mr. TYDINGS] are necessarily detained.

The Senator from Rhode Island [Mr. GREEN] has a general pair with the Senator from Wisconsin [Mr. WILEY].

Also I announce the pair of the senior Senator from Washington [Mr. BONE] and the senior Senator from Iowa [Mr. GILLETTE] with the junior Senator from Alabama [Mr. HILL]. If at liberty to vote the Senator from Washington and the Senator from Iowa would vote "yea," and the Senator from Alabama would vote "nay."

Mr. LUCAS. My colleague [Mr. SLATTERY] and the Senator from New Jersey [Mr. SMATHERS] are unavoidably detained. If present and voting, they would vote "yea." They are paired with the Senator from Louisiana [Mr. OVERTON], who is also unavoidably detained. I am advised that if present and voting, he would vote "nay."

The result was announced—yeas 40, nays 31, as follows:

YEAS—40

Adams	Downey	McCarran	Schwellenbach
Ashurst	Gerry	Maloney	Shipstead
Barkley	Gibson	Mead	Thomas, Okla.
Borah	Johnson, Calif.	Minton	Thomas, Utah
Brown	Johnson, Colo.	Murray	Truman
Capper	La Follette	Nye	Vandenberg
Chavez	Lee	O'Mahoney	Van Nuys
Clark, Idaho	Lodge	Pepper	Wagner
Danaher	Lucas	Pittman	Walsh
Davis	Lundeen	Schwartz	Wheeler

NAYS—31

Andrews	Byrnes	Hatch	Russell
Austin	Clark, Mo.	Hayden	Sheppard
Bailey	Connally	Herring	Smith
Bankhead	Ellender	King	Stewart
Bridges	George	McKellar	Taft
Bulow	Gurney	Miller	Townsend
Burke	Hale	Radcliffe	White
Byrd	Harrison	Reed	

NOT VOTING—25

Barbour	Glass	Logan	Smathers
Bilbo	Green	McNary	Tobey
Bone	Guffey	Neely	Tydings
Caraway	Hill	Norris	Wiley
Donahey	Holman	Overton	
Frazier	Holt	Reynolds	
Gillette	Hughes	Slattery	

The PRESIDENT pro tempore. On this vote the yeas are 40 and the nays are 31. Two-thirds of the Senators present not having voted in the affirmative, the motion to suspend paragraph 4 of rule XVI is rejected.

Mr. McCARRAN. Mr. President, in behalf of the senior Senator from West Virginia [Mr. NEELY], who has been called away from the Chamber on important business, I desire to announce, if it has not been announced, that had he been present he would have voted in the affirmative.

Mr. President, I ask unanimous consent that the amendment stated by the clerk, on which the last vote was taken for a suspension of the rule, be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the amendment may be printed in the RECORD.

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

At the proper place in the bill insert the following new section:

"SEC. —. Section 15 of the Emergency Relief Appropriation Act of 1939, approved June 30, 1939, is amended to read as follows:

"'SEC. 15. (a) The Federal Works Administrator (hereinafter referred to as the "Administrator") shall fix a monthly earning schedule for persons engaged upon work projects financed in whole or in part from funds appropriated by section 1. Such monthly earning schedule shall be so fixed that the monthly earnings payable under such schedule to any class of workers shall not be less than the monthly earnings of the Works Progress Administration in effect on June 30, 1939. After August 31, 1939, the monthly earning schedule fixed by the Administrator (1) shall not provide for differentials in the monthly earnings of workers engaged in similar work in the same wage area, and (2) shall not provide for differentials between cities or counties within the same wage area upon the basis of the degree of urbanization or any other factor that will tend to discriminate against the less urbanized areas, and (3) shall increase the monthly security wage in region 3 to conform to the monthly security wage rate in region 2.

"'(b) The rates of pay for persons engaged upon projects financed in whole or in part from funds appropriated by this joint resolution shall not be less than the prevailing rates of pay for work of a similar nature in the same locality as determined by the Administrator and shall not be less than the current minimum wage required to be paid by private employers under the provisions of the Fair Labor Standards Act of 1938.'"

Mr. MURRAY. Mr. President, I have on the desk a notice of a motion to suspend the rule in order that I may offer an amendment. I should like to have my amendment stated at this time.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed, at the end of the bill, to insert the following new section:

SEC. . Subsection (b) of section 16 of the Emergency Relief Appropriation Act of 1939 is hereby amended to read as follows:

"(b) Employable persons who have been certified as in need of employment for a period of 3 months or more shall have preference in employment over persons who have had active employment status on such works projects continuously for 18 months or more: *Provided*, That this shall not result in the discharge of a person employed on works projects where he has made a reasonable effort to find suitable private employment nor where project operations would suffer from his discharge nor where unusual hardship would result from such discharge."

Mr. MURRAY. Mr. President, I wish to call attention to the fact that my amendment does not vitally affect the act. It merely undertakes to modify the harshness of the rule or provision in the relief act which would require the Administrator summarily to discharge 650,000 employees who have been continuously on the rolls of W. P. A. for 18 months.

Mr. CLARK of Missouri. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLARK of Missouri. Is the Senator offering his amendment or is he making a motion to suspend the rule?

The PRESIDENT pro tempore. The motion is to suspend the rule so that the Senator from Montana [Mr. MURRAY] may offer the amendment.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. RUSSELL. If the rule were to be suspended by the Senate for the purpose of permitting the amendment of the Senator from Montana to be offered, would the amendment offered by the Senator from Nevada [Mr. McCARRAN] be in order as an amendment to the amendment of the Senator from Montana?

The PRESIDENT pro tempore. The Senate will decide the question of whether or not it is germane.

Mr. RUSSELL. Upon a vote of the majority?

The PRESIDENT pro tempore. A majority vote will determine the question of germaneness of the amendment.

Mr. MURRAY. Mr. President, I should like to call attention to the effect of the amendment I am presenting.

The amendment has been before the Senate on several previous occasions; and on each occasion it has been agreed to. The last occasion was when the so-called lending bill (S. 2684) to provide a program of public expenditures which are recoverable was before the Senate. At that time it was agreed to by a vote of 43 to 32. Inasmuch as that bill was lost in the House it now becomes necessary to undertake to have the amendment attached to the pending bill in order to remedy the condition referred to and prevent the harsh results flowing from the arbitrary enforcement of the Relief Appropriation Act.

The Administrator of W. P. A. has written a letter in which he expresses approval of the amendment I am proposing and points out that it is necessary in order to permit him to handle the situation with some measure of discretion. I shall read only the closing paragraph of his letter, which was read into the RECORD at the time the matter was previously before the Senate for consideration. The Administrator says:

The amendment which you propose to section 16 (b) of the Emergency Relief Appropriation Act of 1939 would modify that section, which now requires the mandatory dismissal of workers who have been continuously employed on the W. P. A. for a period of 18 months or more. Under the present wording of the act, all certified workers, except veterans, who have been employed continuously for 18 months or more must be dismissed by August 31, 1939. This means that by that date the employment of approximately 650,000 persons must be terminated, which will impose severe hardships on many individuals and adversely affect the efficiency of project operations. Although the law provides that workers dismissed under this provision may be reinstated after a 30-day period if they have been recertified, it will be very difficult to accomplish such reinstatement without very considerable delays, especially as the total employment will be diminishing during this period.

I believe that it is desirable to give preference in employment to persons who have been certified and awaiting assignment to Work Projects Administration jobs for some time over those who have been employed continuously for long periods. My testimony to this effect appears on pages 22 and 23 and 28 to 30 of the hearings on this appropriation before the subcommittee of the Committee on Appropriations of the House of Representatives. Specifically, I suggested that employable persons who had been certified as in need for a period of 6 months or more and had not been given employment should have preference in employment over persons who had been on the W. P. A. for a period of 3 years or more. In this connection I made the following statement:

"There has been discussed here in the committee and in debate the question of W. P. A. career workers, as they are called, the idea being that the benefits of W. P. A. employment might be rotated. But at the outset, I think the approach to it should be a very careful one, the suggestion I make is only the first step in what might eventually evolve out of this thing, and that is, a preference provision as to employment."

I believe that the amendment which you propose accomplishes the primary purpose of giving preference in employment to persons who are awaiting assignment over those who have been employed continuously for a long period, and at the same time allows sufficient administrative discretion so that the application of the policy would not result in the disruption of the program and the individual hardships which will come about under the present law.

Following the adoption of this amendment on the previous occasion the Administrator temporarily suspended the instructions which had been issued to lay off W. P. A. workers; and the result of the vote on this occasion will determine whether or not a change is to be made in order to protect innocent and destitute persons who would otherwise be arbitrarily removed from the pay roll of the W. P. A. and denied work.

As I have stated, I have filed a notice of intention to move for a suspension of the rule in order that this matter may be taken up. I now move that the rule be suspended for that purpose.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana to suspend the rule in order that he may offer the amendment which has been stated.

Mr. BYRNES. Mr. President, when the relief measure was pending before the Senate I agreed with the proposal which, I think, was offered by the Senator from Kentucky [Mr. BARKLEY] and which was substantially the same as what the Senator from Montana now proposes. It was a milder amendment and, according to my view, was a better approach to the problem. In the conference committee the conferees on the part of the House were insistent upon the provision adopted by the House, which is now the law. Since that time there has been considerable criticism of the provision. Even though I did not agree to it when it was first proposed, and agreed only as the hour of midnight approached and the conferees on the part of the Senate were forced to agree or decide that there would be no bill, I wish to say a word about the criticisms which have been directed against the action of the Congress and the provision proposed by the House at that time.

When we speak of innocent people who suffer because they are removed under the provisions of the existing law, we must remember certain facts. Last winter a representative of my committee interviewed 8,000 men in five of the great cities of the country. Of the total number interviewed 81 percent had been on the pay roll continuously from January 1, 1937, until that time. At the time the 81 percent were on the pay roll and had been on the pay roll continuously for 18 months there were thousands and thousands upon the eligible lists who had received no opportunity to be employed at any time during the 18 months.

Under the law, as it exists today, men have been removed from the pay roll after they have been continuously on the roll for 18 months. My good friend from Montana, in his generous and charitable spirit, says that that is a hardship on those removed from the roll. But remember that those who take their places have not been on the pay roll. They have been without any help at all; and when the Congress does not appropriate any more money than the President asked for this year, and we are forced to determine what course we shall pursue, I cannot agree that the Congress is properly subject to criticism for saying that after a man has had a job for 18 months he should step aside for 30 days and allow another man, who has never held a job, and who is as much entitled to it as any one else, to come forward and have an opportunity to work on W. P. A. After 30 days the men who are now removed will be eligible to get back on the eligible list.

Difficult as is the problem, we must agree that whenever a man is removed after having been on the roll for 18 months, we are giving the job to a man who needs it and who has never had the opportunity which the other man has had.

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

Mr. BYRNES. Yes.

Mr. PEPPER. If the amendment of the Senator from Montana were agreed to, then, would it not be possible for those who are on W. P. A., and are found to be needy, to continue there, and also for the others to have a chance to go on, too, if application were made and granted in January for additional funds?

Mr. BYRNES. If there were sufficient funds for all of them on the pay roll, yes; that is undoubtedly true; but, Mr. President, and I make this statement only in justice to the position the House of Representatives have taken, and, though I disagree with them, I think the position of the House and of the Congress as the Congress finally agreed to the bill should be presented—here is the situation: If the rule should be suspended in this instance, of course, the amendment of the Senator from Montana would be in order. I am going to vote against it for the reason I will now state. I have served on conferences with House conferees on relief bills heretofore. We were in conference in the hours preceding June 30, and we know the attitude of the House on this proposal. We should be fair and say this amendment proposes legislation, and those of us who have through the years served on conference committees know that when the House conferees say they will consider appropriation items but not legislation on an appropriation bill, and they refuse to yield, it simply means that the conference will extend indefinitely, and I could see no hope of agreeing upon any bill for a long time.

Mr. PEPPER. One more question. Does the Senator agree that it is a sad prospect which will face several hundred thousand of people in the United States if this amendment should not prevail?

Mr. BYRNES. I agree that it would be, but it would be no sadder than the prospect facing men and women who have been seeking for years to get on the pay roll and have not been able to do so. It is an exceedingly difficult problem. I sympathize with the plight of the man who has been on the roll for 18 months, but I also sympathize with the other man who has not been able to get on the roll. It does not affect the total number on the pay roll. It does affect individuals.

Mr. PEPPER. Is it not a fair statement of the case to say that we know if the amendment of the Senator from Montana prevails the effect will be that additional funds will be requested and probably provided by the Congress consistent with the amendment of the Senator from Montana, so that, perhaps, neither of the classes referred to shall be deprived of a decent opportunity to make a security wage.

Mr. BYRNES. I cannot agree with that. I do not think the Senator will disagree with my statement. He must recall that there never has been a time since W. P. A. was established that every man eligible for a job has been given a job. Today and for the last 18 months there have been hundreds of thousands, in fact, more than a million, on the rolls of the various States of the country eligible for a job who have never been given a job. We have never taken the position that the Congress was appropriating funds sufficiently to give every man a job. That would be doing something the Congress has not heretofore done, no matter how desirable it might be in the opinion of the Senator.

Mr. PEPPER. Mr. President, if we were to adopt the amendment of the Senator from Montana, would it not, in substance, be a reversal of the congressional policy by which a very large depletion in the number of W. P. A. employees was required by the last enactment of Congress on the subject?

Mr. BYRNES. No; I submit to the Senator that he has been misinformed about that. There has not been a reduction in the number of persons on the W. P. A. jobs by reason of the section of the law referred to, as the Senator will see from reading it. What has happened is there has been a change.

Mr. PEPPER. I am not talking about section 15.

Mr. BYRNES. We have been considering this matter, and we know that the amendment of the Senator from Montana would accomplish the purpose the Senate had first in mind, but it would not add a man to the rolls.

Mr. PEPPER. I did not have in mind the section to which the Senator is referring, but that the amendment, if adopted, would affect the appropriations to be made.

Mr. BYRNES. The Senator means that the Congress would have to appropriate more money.

Mr. PEPPER. Yes; it would be a reversal of the action in reducing the appropriation which was taken by Congress.

Mr. BYRNES. What the Senator would do would be to restore the status that existed prior to July 1, as I understand.

Mr. MURRAY. Mr. President, if I may interrupt the Senator, of course, he recognizes that my amendment gives preference to those who have been on the certified relief list for a period of 3 months or more over those who have been employed on W. P. A. for 18 months or more. So the argument the Senator has just made with reference to the hardship which is imposed on those who are certified and who have been unable to get on the list is answered by this amendment, because it expressly gives them preference.

Mr. BYRNES. It gives them preference whenever, under the provision put in the law by the House, a vacancy is created. That is about all the difference.

Mr. MURRAY. It will require the Administrator to remove those who are on the rolls for a period of 18 months or more and to give preference to those who are certified on the relief list. It merely gives some discretion to the Administrator, which is necessary if we are going to have an efficient, intelligent, and common-sense administration of the W. P. A. It seems to me that this amendment is entirely reasonable and just and would remedy a situation that will obviously create much misery, distress, and confusion in this country.

Mr. LA FOLLETTE. Mr. President, I desire to say a few words on this amendment. I realize that the question has been debated again and again, and the Senate has passed upon it at least on one occasion during the present session. In all probability, the time has passed when debate can have any effect upon the vote which is about to be taken. Nevertheless, I wish to say that, in view of the inadequate amount of the appropriation, it is inevitable that there will be discharges from the W. P. A. rolls during the ensuing months which are not justified on any basis of fairness and decency to those who are now employed upon the works program.

Under the amendment adopted to the joint resolution passed prior to the end of the last fiscal year the provision there incorporated will result in the wholesale discharge of approximately 600,000 persons in the immediate future, regardless of what their condition of need may be. So it seems to me the issue is very clear. Unless the rule shall be suspended, unless Congress shall adopt the pending amendment and it shall become law, the Congress of the United States will become responsible for the arbitrary dismissal of 600,000 persons in the near future. In addition to those who will be discharged, because the funds Congress has provided are not adequate to take care of those who are in need and are certified for employment.

So far as I am concerned, Mr. President, I do not want to assume any share of that responsibility; I do not want to assume any share of the hardship and cruelty which will be inflicted upon the 600,000 people who will be thrown off the relief rolls without any discretionary power for the Administrator to alleviate or to take care of those hardship cases. Therefore I intend to vote for the motion to suspend the rule. [Manifestations of applause in the gallery.]

The PRESIDENT pro tempore. The Chair will admonish the occupants of the gallery that it is contrary to the rules of the Senate for the occupants of the gallery to indulge in any manifestation of approval or disapproval.

Mr. PEPPER. Mr. President, I merely wish to say that every Senator on this floor has seen the newspaper announcement that, had it not been for the amendment of the Senator from Montana, which was adopted a few days ago, hundreds of thousands of those whom the Senator from Wisconsin describes would already have been let off the rolls. It is owing to the discretionary power of the Administrator in holding up those discharges, pending final congressional action on the amendment of the Senator from Montana, that those people are kept on the rolls today, and if this amendment shall be defeated this afternoon, I see no alternative but that the Administrator will revoke that order, and then these 600,000 people tomorrow will be removed from the rolls.

Mr. MEAD. Mr. President, I shall not delay very long a vote on this amendment. I merely desire to point out that unless this amendment shall be adopted great difficulty will be encountered in the administration of the various changes in personnel and management which have resulted from the enactment of legislation during the present session of the Congress.

Mr. President, already, as the result of a drastic curtailment of W. P. A. appropriations, we have made it compulsory for the Administrator to reduce the W. P. A. rolls from approximately three million to one million and a half. This cannot be done hurriedly and without disrupting the W. P. A. set-up. While that is being carried on, in the course of the administration of that drastic curtailment, to require, as the result of subsequent legislation, the removal from the rolls of approximately 600,000 additional workers, merely because they have served faithfully for 18 months, is, in my judgment, jeopardizing the efficient administration of the Works Progress Administration.

No time is given to study the problem. No opportunity for moderate and safe reductions in personnel is possible. It will be costly. It will be expensive. It will be cruel. I trust in the interest of better administration, I hope because of the economies that will result, I believe because of the better judgment of Members of the Senate, the amendment offered by the Senator from Montana will prevail.

Here is the very heart and center of the philosophy contained in the Senator's amendment, and I appropriate for my argument in behalf of his amendment the words of the Administrator of W. P. A.:

I believe—

Said the Administrator—

that the amendment which you propose accomplishes the primary purpose of giving preference in employment to persons who are awaiting assignment over those who have been employed continuously for a long period, and at the same time—

He continues—

it allows sufficient administrative discretion so that the application of the policy would not result in the disruption of the program, and the individual hardships which will come about under the present law.

Therefore, Mr. President, by reason of the fact that it will not cost an additional dollar, because it will result in improved administration, and for the further reason that it will give the Administrator of W. P. A. time and opportunity to make needed and necessary and compelling adjustments, I trust that the amendment offered by the Senator from Montana will prevail.

Mr. SCHWELLENBACH. Mr. President, I think there has been, both now and the last time this amendment was up, a sufficient discussion of the amendment itself. I desire to discuss a very practical question involved in the present parliamentary situation.

A few moments ago a parliamentary inquiry was propounded as to the result if the present motion of the Senator from Montana to suspend the rule should be adopted; if it would be possible to amend his amendment by a majority vote, and have certain other matters attached to the amendment and voted upon under the suspension of the rule. The ruling of the Chair was that it would be possible.

We all know that there are a number of Members of the Senate who are in sympathy with this amendment, but who, because of the situation in reference to the different rates of pay in one part of the country as compared with another part of the country, were necessarily compelled to vote against the suspension of the rule on the last two votes.

I have voted twice today to suspend the rule. I would have voted for the amendments proposed by the Senator from Nevada [Mr. McCARRAN]. I have voted for the prevailing-wage amendment on every occasion that I have had an opportunity to do so since I have been here. I believe in it. Nevertheless, we are faced with the very practical situation that some Senators are fearful that if they vote for the suspension of the rule in the case of this amendment, which they actually favor, they will bring about a situation in which it will be possible, by amendment of the Murray amendment, to include something which they oppose, and include it upon a majority vote.

I should like, if it were possible, in some way to see the McCarran amendments adopted, or either one of them; but we have had two demonstrations that it is not possible to suspend the rule for those amendments. We know as a practical fact that if this situation is not cleared up, we shall not get the two-thirds vote necessary to suspend the rule upon this amendment. If that situation is cleared up I think there is a very great possibility that there will be a two-thirds vote to suspend the rule upon this amendment. I appeal to those who may be interested to give assurance upon the floor of the Senate at the present time that if the Murray amendment is permitted to be voted upon under a suspension of the rule, that amendment will be voted upon singly, and no amendments will be offered to it.

Mr. MURRAY. Mr. President, I have made a promise to a number of Senators who have discussed the matter with me that I would not accept any amendments to the amendment which I am proposing, and that if any amendments are offered and attempted to be attached to my amendment I will withdraw my amendment, so that it may be possible for the amendment to be voted upon separately.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Tennessee will state it.

Mr. McKELLAR. After an amendment is presented, and a motion to suspend the rules to permit it to be considered is voted upon and agreed to, may the Senator proposing the amendment withdraw it?

The PRESIDENT pro tempore. Not after the amendment has been presented.

Mr. McKELLAR. So the Senator from Montana could not withdraw it. He would have no right to do so. Amendments could be offered to it.

Mr. BANKHEAD. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Alabama will state it.

Mr. BANKHEAD. In the event the motion of the Senator from Montana is adopted, and the rule is suspended, will that make the bill subject to any other amendments that may be offered on any subject?

The PRESIDENT pro tempore. If the Senate sets aside the rule and permits the offering of an amendment—for instance, the amendment of the Senator from Montana—it will be open to amendment just as any other amendment would be open to amendment. If the question is raised as to whether or not the second amendment is germane, the Senate will decide that question without debate.

Mr. BANKHEAD. By a majority vote?

The PRESIDENT pro tempore. By a majority vote.

Mr. SCHWELLENBACH. Mr. President, I submit a unanimous-consent request.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SCHWELLENBACH. I ask unanimous consent that in the event the Senate adopts the present motion of the Senator from Montana [Mr. MURRAY] and suspends the rule and permits a vote upon his amendment as read by the clerk, no amendments to the amendment submitted by the Senator from Montana shall be in order.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from Washington?

Mr. SMITH. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. MURRAY. Mr. President, I understand from the Senator from Nevada [Mr. McCARRAN] that he has no intention of offering any amendment to my amendment. He does not intend to offer any such amendment.

Mr. McCARRAN. Mr. President, I exceedingly regret that the Senator from Montana should impose such a matter on the junior Senator from Nevada. I desire, frankly, to say that I stood on my amendments, and that I expect the able Senator from Montana to stand on his; but if amendments should be proposed here which are germane, under the ruling of the Chair, I cannot see why I should be bound against them.

Mr. SMITH. Mr. President, my reason for voting as I have voted was not entirely because I did not think there was some merit in the request to suspend the rule, but if this question is opened I have given a solemn promise that I would attempt to bring up some matters which are just as urgent as this one. The committee have gone into all these matters, however, and have worked out the best program they could find, and the Senate has practically adopted it. Now, here comes an urgent deficiency bill which opens up debate on the floor of the Senate as to matters which have been settled by the committee.

Now open the door, suspend the rule, and we go back into a regular session of the Senate.

It may be that these things are vitally important, which I do not concede and do not believe. I know how anxious men are to serve their constituents, but it does seem to me that the entire United States are not so vitally in need of these things that we could not wait 5 months. It will be only 5 months before we will be back here, and I do not think any one will starve to death or any one will die from the lack of sustenance. I hope that we may in order obey the behest and acknowledge the work of the committee, and let us not suspend the rule, but consider the matter that is before us.

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

Mr. SMITH. I yield.

Mr. SCHWELLENBACH. I do not know whether or not the Senator understood fully the unanimous consent request I made. I was not seeking to limit anyone else except upon this one amendment. The Senator from Montana has asked for a suspension of the rule on his amendment. All I was seeking to do by my unanimous consent request was to see that upon that question we would have a discussion and a vote, and upon that alone. It would not stop any one else from moving a suspension of the rule.

Mr. SMITH. The Senator has been a Member of the Senate long enough to know that, once the rule is suspended, it is not possible to stop any one from offering an amendment. That is our privilege.

Mr. SCHWELLENBACH. That is the reason why I asked upon this particular vote the suspension be limited to this one particular question.

Mr. SMITH. Exactly; and make a favorite out of this one amendment to the exclusion of other amendments which are as important, and perhaps more important than this.

Mr. SCHWELLENBACH. I was not trying to get it to the exclusion of anything else. Anyone else, after this motion was disposed of, could move to suspend the rule on any matter.

Mr. SMITH. We would not have to move to suspend the rule.

Mr. MALONEY. Mr. President, I have no desire to delay the Senate long. I had not expected to speak on this question, but I am prompted to by the attitude of the senior Senator from South Carolina [Mr. SMITH], which I am certain is quite sincere.

If I understood the Senator correctly, he expressed the thought that no one would starve in the next 5 months, or during the Senate recess. I do not expect anyone will starve, but there will be very serious hardship inflicted upon a great many hundreds of thousands of people if the proposal which the Senator from Montana is seeking to put into the bill is denied.

The Senate has admitted its mistake in connection with this proposal. The Senate was warned, at a time of excitement, when the relief bill was being considered, that the infliction—and it is an infliction—of this part of the law would create a serious hardship. The Senate, in a period of a few weeks, came to realize that that was true; it voted to correct the mistake. This is the last chance we have to prevent the throwing off of the relief rolls, and placing under the stigma of charity, hundreds of thousands of people.

Mr. President, I do not mean to bring up the matter of sectionalism, but this bill more particularly affects the industrial part of the country than it does other parts of the country, and I should like to point out, with some feeling of pride and satisfaction, that the industrial part of the country has not turned its back at all upon the farming and agricultural sections of the country. We have been voting for the most generous farm bills. There are not industrial problems or employment problems in the South or the West as there are in the North and the Northeast. I am very hopeful that the unanimous-consent request submitted by the Senator from Washington may prevail, and that we may have a chance to vote on this seriously important question.

Mr. SMITH. Mr. President, just a word in reply to the Senator from Connecticut. He takes for granted that his section is the only industrial section. In my State there is as much industry of the character affected by the proposed law as in any other State. That is true of North Carolina, as well as of South Carolina. Even were it not true, what right has anyone to make a difference in the same character of work, as is evidenced in the wage scale?

Mr. President, that was not the question I rose to discuss. I have been here for a long time, but I never expect to see the time when the "bloody shirt" is not waved. When a man desires to appeal to the lower principles which characterize us all, he begins to draw the distinction between sections.

Mr. MALONEY. Mr. President, will the Senator yield to me?

Mr. SMITH. Not now. I am worn thin, and I am irritable over this eternal distinction between what will go South and what will go North. I know we paid the penalty for insisting on our right to interpret the Constitution, and I am proud of it. I am proud that we had the grit to appeal to the court of arms. We lost like brave men; we were punished like villains, and have been punished.

Mr. MALONEY. Mr. President——

Mr. SMITH. Mr. President, we might just as well call a spade a spade. With great glee and satisfaction I saw in this hour of transition real Americans, without regard to party or party advantage, march shoulder to shoulder to sustain the principles they love—no North, no South, no East, no West, no Republicans, no Democrats, but real Americans standing for what they believe in.

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

Mr. SMITH. I yield.

Mr. TOBEY. I agree with much that the Senator has said, but he made one statement to which I object. He spoke of the lower principles which characterize us all. I wonder if he will accept an amendment, and make it "the lower principles which are dormant in us all." [Laughter.]

Mr. SMITH. I leave the Senator to interpret it as he sees fit. There is a great deal more than appears on the surface in a good many remarks that are made.

Mr. President, I merely rose to say that I am not one who would oppress the poor or deny men the kind of relief that can be extended in accordance with the law and the Constitution. I am not one who comes here and sheds great gobs of brine over starving humanity, and I guarantee there is not a Senator on this floor who can give us a list of those in his State who are starving. We know what it is for; all of us know what it is for—the ballot box. Everyone here knows that, and we understand all these pleas to the effect, "I hope the boys back home will hear me and remember me on election day." [Laughter.]

We are not worthy of being Senators if we cannot rise above the impelling feeling that we have to come here and put in the RECORD the fact that the people are starving. The constituents of any man who does that ought to rise up and denounce him for belittling his State in that way. There is no one hungry in South Carolina, and no one is going to be hungry there, but someone is hungry here for votes from South Carolina. Oh, that is a different song.

Let us relieve distress where we find it, and where it is open, and we all know it. But to come here and throw out a dragnet of billions of dollars without regard to who comes in—that is different. So long as one is a voter, he can come in.

I have had something to say about this before, and I have sat here and watched my colleagues. I dare say I am moved by the same impulses that move them, but the God whom I will have to meet soon will bear me witness that I have never voted for the imposition of a tax on the American people in order to gain a vote, and, God help me, I will never do it.

We know what is going on. A rather significant thing appeared today in the vote to suspend the rules. I do not charge anyone with regard to it, indeed, I do not, but it did look rather odd that every candidate for a certain office voted to relieve the poor boys.

I believe it was Daniel Webster who said that if he were playing dice and his opponents threw the double six or the double seven, or whatever it is, once, that would be his luck; if he threw it the second time, and the same thing occurred, it would be extraordinary luck. If he threw it a third time, it would be rather suspicious. If he threw it the fourth time, the dice were loaded, and he was a son of a gun. [Laughter.] If these references to the people were made just one time, we would think a man's heart was moved by his appreciation of the merits of the bill, but twice, three times—one can draw his own conclusion.

Mr. President, on account of conditions over which I have no control, I have recently had to be absent from this body, and perhaps it was well I had very little to do with the formation of the legislation, nor did I get the comments, pro and con, and I have not had an opportunity of studying these measures carefully in the light of their possible benefit or injury to the American people, and whether or not supporting them would mean a violation of my oath, as I took it, that I would sustain the Constitution against all enemies both foreign and domestic, without any mental reservation as to how many votes it would affect. I have had very little to say, and possibly I should not have said the little I have said; but the truth is refreshing now and then.

Mr. President, every Senator knows I have spoken the truth. Now let us go on with the bill as the committee has already framed it, and if the millions who are walking down the dark roads to oblivion and starvation do not disappear by next January, let us enumerate them and do the best we can to get them to vote for us next November.

Mr. MALONEY. Mr. President, I am not going to permit the RECORD to show that I waved the bloody shirt. I had no such intention. And I do not believe that I made a distinction between the North and the South. I think I did make some reference to the difference between the agricultural and farming section of the country and the industrial section of the country. It was not in an attempt to stir anyone's passions or emotions. It was trying to point out that the people most seriously affected, and affected in the greatest numbers by this proposal, were the people in the industrial part of the country, where unemployment is greatest.

Mr. President, a few days ago the Senate voted upon a works-financing bill, so-called, but most Senators know that in its final form it was a farm bill. I was glad to vote for that proposal. I was glad to vote for the very magnified farm bill that the Senate passed this year, although I disagreed with portions of that measure.

I dislike very much to have even one Senator assume that I would raise the issue of sectionalism, and I do not want to leave here today or tomorrow with the impression prevailing that that was in my mind. I do not believe the Senator from South Carolina himself sincerely believes that it was. I think he used a figure of speech. The bloody shirt was entirely out of my mind. The last time I heard of it—the bloody shirt or the red shirt—it seems to me, was on election eve in South Carolina, when the Senator himself wore a red shirt. [Laughter.]

Mr. President, I am very hopeful that the Senator, in whose sincerity I believe, will withdraw the objection he has made, because the proposal is not an appeal for votes. I am certain the Senator would not say in a serious moment that he believed that at any time since I came here I cast a vote with the intention of catching votes. It so happens that I have been compelled to vote in favor of his constituents more often than my own. I will do so cheerfully so long as I remain in the Senate, but I hope he will give the stricken, distressed people living in the thickly settled parts of the country a chance to obtain a security wage.

Mr. MURRAY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ADAMS. Mr. President, I wish to suggest one matter that I think is faulty mathematics. Personally, I am not in sympathy with the work-relief bill which the Senator from Montana seeks to amend. I prefer the modified form which the Senate adopted. I wish to make a point, however, with respect to the contention that the 18-month provision is going to put off the rolls a large number of people. Colonel Harrington wrote to the Senator from Montana and said the number would be over 600,000, and he wrote to the committee and said it would be 175,000. That difference does not matter at the moment for the purpose of the discussion. There will be some taken off the rolls. But will there not be as many put on? Is it not simply a question as to the personnel on the rolls? Under the 18-month provision those who have been on the rolls for 18 months are taken off, but, on the other hand, those who have not previously been on the rolls are put on. I think we should not make a mistake in the view we take of that matter.

So it cannot be charged that by taking off those who have been on the roll for 18 months and putting others on the rolls who have not been there before, we are not taking care of an equal number on the rolls. There has been that implication. I am interested, as is the Senator from Montana, in having the Administrator do the best he can with the amount of money available, and be allowed to do all he possibly can for the needy of the United States.

Mr. MURRAY. Mr. President, my amendment seeks to prevent hardship and to prevent gross injustice being done. It gives preference to those who are on the waiting list, but permits the Administrator to exercise some discretion, so as not to disrupt the work which is going on by W. P. A., and not work any great hardship on those who may be removed under the arbitrary rule requiring the removal of the entire number of 600,000 persons from the rolls.

Mr. ADAMS. That is exactly the principle on which the Senate committee operated, but when one place existed and two persons applied for it, preference was to be given to the one who seemed to be most deserving, and we felt that, as between someone who had been on the roll for 18 months and someone who had not been on the roll at all, perhaps the one who had been on for 18 months should be removed to make room for the one who had not been on, assuming that there was not money enough to take care of both.

Mr. MURRAY. My amendment does not do otherwise. It merely allows the Administrator some discretion, so as to maintain the efficiency of the administration.

Mr. CLARK of Missouri. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLARK of Missouri. If the pending motion to suspend the rule to permit action on the amendment of the Senator from Montana should prevail, then that amendment would be subject to any amendment that might be offered on the floor, would it not?

The PRESIDENT pro tempore. It would be subject to any amendment which might be offered from the floor except——

Mr. CLARK of Missouri. Subject only to the provision of the rule that a point of order might be made against it on the ground that it is legislation on an appropriation measure or on the ground that it is not germane?

The PRESIDENT pro tempore. That is correct.

Mr. CLARK of Missouri. May I further inquire from the Chair, in that event, the matter would be submitted to the Senate without debate, and it would be decided by majority vote?

The PRESIDENT pro tempore. That is correct.

Mr. CLARK of Missouri. Mr. President, in view of that situation, may I request the Senator from Washington [Mr. SCHWELLENBACH] again to submit his unanimous-consent request to try to limit this matter so that the real vote may be had on this subject without the injection of any other question?

Mr. McCARRAN. Mr. President, in order that my position may be made clear I will say that I tried to clarify it by way of an answer to a question propounded to me, as I recall, by the Senator from Montana. I wish to make a statement so my position may be thoroughly understood. My college training was not very extensive, but my athletic training was in football, and when playing in the backfield I was

trained to take advantage of every opening in the line. So I want to say that I shall persist and shall take advantage of every opportunity so long as I may have a chance to secure the prevailing wage for America. Any opportunity that is afforded me here by any amendment I shall take advantage of to the best of my ability.

Mr. SCHWELLENBACH. Mr. President, I fully agree with the position of the Senator from Nevada. I want him so far as the prevailing amendment is concerned to take advantage of every opening in the "line," but we all know that there will not be any opening in the "line" if the motion of the Senator from Montana, as submitted, should prevail without some limitation being placed on the amendment. I, therefore, as suggested by the Senator from Missouri [Mr. CLARK], renew my unanimous-consent request.

The PRESIDENT pro tempore. The Senator will please restate his unanimous-consent request.

Mr. SCHWELLENBACH. Mr. President, I ask unanimous consent that if the motion of the Senator from Montana to suspend the rule is adopted, then no amendment may be offered to the amendment which has been read by the clerk, which is an amendment involving the question of the discharge of W. P. A. employees.

Mr. McCARRAN. Mr. President, I suggest that under that request there be involved the ruling of the Chair, namely, on the question of the germaneness of that which may be offered.

The PRESIDENT pro tempore. The Chair cannot pass on the question of germaneness.

Mr. SMITH. I object.

The PRESIDENT pro tempore. The Senator from South Carolina objects to the unanimous-consent request of the Senator from Washington.

The question is on the motion of the Senator from Montana to suspend paragraph 4 of rule XVI so he may offer the amendment which was read at the desk. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAVIS (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. LOGAN]. I transfer that pair to the junior Senator from New Jersey [Mr. BARBOUR], who would vote "yea" if present. I do not know how the junior Senator from Kentucky would vote. I vote "yea."

Mr. HARRISON (when his name was called). Making the same announcement as before with reference to my general pair with the Senator from Oregon [Mr. McNARY], I vote "nay."

Mr. SHIPSTEAD (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. GLASS]. I understand the senior Senator from Virginia, if present, would vote "nay." On this question the senior Senator from North Dakota [Mr. FRAZIER], who would vote "yea," and I have a pair with the senior Senator from Virginia. If at liberty to vote, I should vote "yea."

Mr. TOBEY (when his name was called). On this question I have a pair with the junior Senator from Pennsylvania [Mr. GUFFEY] and the senior Senator from West Virginia [Mr. NEELY]. I am advised that if they were present they would vote "yea." If I were at liberty to vote I should vote "nay."

The roll call was concluded.

Mr. LUCAS. I am authorized to announce that my colleague [Mr. SLATTERY] and the Senator from Alabama [Mr. HILL] are paired with the Senator from Oregon [Mr. HOLMAN]. I am advised that if the Senator from Alabama and the Senator from Illinois were present they would vote "yea," and that the Senator from Oregon would vote "nay."

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Washington [Mr. BONE], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Iowa [Mr. GILLETTE], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Alabama [Mr. HILL], the Senator from West Virginia [Mr. HOLT], the Senator from Illinois [Mr. SLATTERY], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Maryland [Mr. TYDINGS] are absent on important public business.

The Senator from West Virginia [Mr. NEELY] is detained in one of the Government departments.

The Senator from Ohio [Mr. DONAHEY], the Senator from Virginia [Mr. GLASS], the Senator from Delaware [Mr. HUGHES], the Senator from Kentucky [Mr. LOGAN], the Senator from Louisiana [Mr. OVERTON], and the Senator from North Carolina [Mr. REYNOLDS], are unavoidably detained.

Mr. AUSTIN. The senior Senator from Oregon [Mr. McNARY] is necessarily absent. His general pair with the Senator from Mississippi [Mr. HARRISON] was announced by that Senator.

The Senator from Wisconsin [Mr. WILEY] has a general pair with the Senator from Rhode Island [Mr. GREEN]. I am not advised how either Senator would vote on this question.

The result was announced—yeas 39, nays 31, as follows:

YEAS—39

Adams	Downey	McCarran	Schwellenbach
Andrews	Ellender	Maloney	Thomas, Okla.
Ashurst	Gibson	Mead	Thomas, Utah
Barkley	Johnson, Calif.	Minton	Truman
Brown	Johnson, Colo.	Murray	Vandenberg
Capper	La Follette	Nye	Van Nuys
Chavez	Lee	O'Mahoney	Wagner
Clark, Idaho	Lodge	Pepper	Walsh
Danaher	Lucas	Pittman	Wheeler
Davis	Lundeen	Schwartz	

NAYS—31

Austin	Byrnes	Hatch	Russell
Bailey	Clark, Mo.	Hayden	Sheppard
Bankhead	Connally	Herring	Smith
Borah	George	King	Stewart
Bridges	Gerry	McKellar	Taft
Bulow	Gurney	Miller	Townsend
Burke	Hale	Radcliffe	White
Byrd	Harrison	Reed	

NOT VOTING—26

Barbour	Glass	Logan	Slattery
Bilbo	Green	McNary	Smathers
Bone	Guffey	Neely	Tobey
Caraway	Hill	Norris	Tydings
Donahey	Holman	Overton	Wiley
Frazier	Holt	Reynolds	
Gillette	Hughes	Shipstead	

The PRESIDENT pro tempore. Two-thirds of the Senators present not having voted in the affirmative, the motion of the Senator from Montana [Mr. MURRAY] to suspend paragraph 4 of rule XVI is rejected.

Mr. HAYDEN. Mr. President, I offer an amendment which is supported by a Budget estimate, but which was received too late to be considered by the committee.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed, at the proper place, to insert the following:

Defraying deficits in treasuries of municipal governments, Virgin Islands: For an additional amount for defraying the deficits in the treasuries of the municipal governments because of the excess of current expenses over current revenues for the fiscal year 1940, municipality of St. Thomas and St. John $30,000 and municipality of St. Croix $40,000; in all, $70,000, to be paid to the said treasuries in monthly installments.

Mr. BRIDGES. Mr. President, may I inquire if it is the policy of the Government to pay the deficits of the communities referred to in the amendment?

Mr. HAYDEN. The Government has done so in the past. The municipalities cannot function unless they have this money. The Senator understands the situation in the Virgin Islands, which President Hoover described as a "poorhouse." That is what we have to contend with there.

Mr. BRIDGES. Am I to understand that the situation in the Virgin Islands has reached such a point that municipalities cannot pay their own bills and we have to go into the United States Treasury to make up the deficits?

Mr. HAYDEN. We are doing it to the extent of $70,000.

Mr. BRIDGES. For how many communities?

Mr. HAYDEN. For the two communities, St. Thomas and St. Croix.

Mr. BRIDGES. I ask the Senator whether or not this action would establish a precedent which may mean that we would have to dip into the Treasury for deficits in communities in other possessions of the United States?

Mr. HAYDEN. The Virgin Islands is a "horrible example." I do not know that it has ever been done anywhere else.

Mr. BRIDGES. Mr. President, undoubtedly this administration, if it sets out to put this thing through, has the votes to do so. I am probably talking against a blank wall. It seems to me to be a very bad precedent. Personally I am opposed to it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN].

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, pursuant to a notice given under the rule, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. At the proper place in the bill it is proposed to insert the following:

To remove the depressing economic effects of excessive farm-mortgage debts, and prevent the further increase of farm tenancy due to mortgage foreclosures, the Secretary of Agriculture shall be authorized, out of any funds of the Federal Farm Mortgage Corporation as he finds available, to refinance farm mortgages on which the payments periodically due exceed the normal farm income available for debt service. Such loans shall be subject to titles I and IV of the Bankhead-Jones Farm Tenant Act, but may be made without regard to the provisions of section 4 of said act. The Secretary of Agriculture shall administer the provisions of this section and all repayments on account of such loans shall be credited to the account of the Federal Farm Mortgage Corporation.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that in case the motion to suspend the rule should prevail, no other amendments than the one which has just been read shall be in order.

Mr. ADAMS. Mr. President, may I make an inquiry of the Senator?

Mr. LA FOLLETTE. I yield.

Mr. ADAMS. The Senator has filed a motion to suspend the rule.

Mr. LA FOLLETTE. I do not intend to force the Senator from Colorado, for no good purpose, to make the point of order.

I gave the notice; and I recognize that the amendment proposes legislation on an appropriation bill. I shall not go through the form of asking the Senator to make the point of order, because I realize that, as chairman of the subcommittee and responsible to the Appropriations Committee for the conduct of the bill on the floor, he is bound to make the point of order.

Mr. ADAMS. I appreciate the Senator's attitude.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that in case the motion to suspend the rule shall prevail by the proper majority of two-thirds, no other amendment than the one which I have tendered be considered in order.

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

Mr. SMITH. I object.

Mr. KING. I object.

The PRESIDENT pro tempore. Objection is heard.

Mr. LA FOLLETTE. Mr. President, my purpose in requesting unanimous consent was in order to allay the apprehensions of those who might be concerned that the amendments to section 22 of the Agricultural Adjustment Act of 1938, which are pending in the form of a bill, would be offered to my amendment. Personally I do not think they are germane; and if such amendments should be offered I would join in voting that they were not germane to my amendment.

Mr. President, I am sure it is not necessary for me to debate this amendment at great length. It was amply debated when the lending bill was under consideration in the Senate, and it prevailed at that time by a vote of 74 to 8 on a yea-and-nay vote.

No Member of this body who has any farmers in his State will fail to take cognizance of the critical situation confronting the farmers who are being foreclosed because of the fact that their mortgages were made at a time when farm values and farm prices were high. In practically every State in the Union, as demonstrated by statistical data placed in the RECORD by the senior Senator from Montana [Mr. WHEELER] and myself while this amendment was under discussion, the foreclosures upon farms in the United States are continually rising. This amendment would make available to the Secretary of Agriculture in his discretion the unutilized authorization for the issuance of securities by the Farm Mortgage Corporation. That corporation has an unutilized provision for the issuance of securities, with the approval of the Secretary of the Treasury, amounting to more than $600,000,000. This amendment leaves it in the discretion of the Secretary of Agriculture to utilize so much of that authorization as he finds available for this purpose.

The loans which would be made to farmers who are threatened with foreclosure would be on exactly the same terms as are provided in the Jones-Bankhead Farm Tenant Act. In short, by this amendment, if it were adopted, we would provide for the refinancing of existing farm mortgages, in order that the farmers who live upon those farms today could continue to live upon them, in the same way that we are now providing for those who are being rehabilitated and established upon farms in order that they may become farm owners under the Jones-Bankhead Act.

Mr. President, I desire again to summarize for the Senate what those provisions are.

First. Section 1 of title I of the Jones-Bankhead Act would prohibit refinancing loans to any person who is not a citizen of the United States, and would prohibit any loans to be made for the acquisition of any farm unless such farm is of a size sufficient to constitute "an efficient farm-management unit and to enable a diligent farm family to carry on successful farming in the locality."

Second. Section 2 of title I of the Jones-Bankhead Act would prohibit any farmer from being refinanced unless a county committee consisting of three farmers residing in the locality find that by reason of his character, ability, and experience he is likely successfully to carry out his undertakings, and that the farm with respect to which the loan is made is such that there is a reasonable likelihood that repayment will be made. The committee would also be required to certify the reasonable value of the farm. No refinancing loan could be made with respect to any farm in which any member of the committee, or any person related to such member within the third degree of consanguinity or affinity has any property interest.

Third. Section 3 (a) of title I would require that the refinancing loans be repaid within a period of not more than 40 years; contain covenants to protect the security and assure that the farm will be maintained in repair, and waste and exhaustion of the farm prevented; provide that, upon the borrower's disposition of the farm without the approval of the Government, the unpaid balance may be declared immediately due and payable.

In the fourth place, section 42 of title IV provides for the appointment of a county committee composed of three farmers residing in the county.

Section 48 of title IV authorizes the Secretary "to provide for the payment of any obligation or indebtedness to him under this act under a system of variable payments under which a surplus above the required payment will be collected in periods of above-normal production or prices and employed to reduce payments below the required payment in periods of subnormal production or prices."

In short, the effect of the reference in the amendment to titles I and IV of the Bankhead-Jones Farm Tenant Act is to give to farmers who are now farm owners an opportunity to retain their farms upon the same basis that we are already extending assistance under the Jones-Bankhead Act to farm tenants in order to establish them as farm owners in this country.

Mr. President, I think all those who are familiar with the rural and agricultural areas will agree with me when I say that the most menacing thing, so far as the maintenance of democracy in the agricultural areas is concerned, is the alarming increase of farm tenancy. Families that have lived upon farms in some instances for two or three generations are being foreclosed upon; they are being stripped of everything they have; and then, under this inconsistent policy of government, they become eligible to secure a loan under the Jones-Bankhead Farm Tenant Act in order that they may again become farm owners; or they may be picked up by the Farm Security Administration and rehabilitated upon a farm. In many instances the lending agencies of the Government which have these mortgages are foreclosing them and taking a reduction in the principal of the mortgage at the foreclosure sale which, if extended to the present owner, would enable him to fulfill his obligation, make his interest and principal payments, and keep himself and his family upon the farm.

Recently a survey of this situation has been made in my own State by a number of the State agencies. I want to read from it:

However, there are data available showing that the number of farms being foreclosed in the State of Wisconsin is growing at an alarming rate. These foreclosures are in large measure the result of indebtedness to the Federal land bank and the land bank commissioner. Statements are made to us daily that the practices of these quasi governmental agencies are more rigid and unsympathetic than those of the majority of private creditors. We know many instances wherein the Federal land bank has sold foreclosed farm property for less than the face value of its mortgage without being willing to offer the advantages of this type of mark-down to the indebted farmer, who may have shown satisfactory evidence of ability to conduct a farm by virtue of long years of operation.

Citations of such incidents are in several of the attached exhibits. Such practices seem to us in conflict with the stated rehabilitation purposes of other Federal farm agencies, such as the Farm Security Administration, and to evidence a hard-boiled unconcern with the general deflation in values which has set in since the farmer undertook his loan, which lends little more than legal right to the foreclosure, rather than social justice or economic validity.

Mr. President, I do not wish to detain the Senate long; but let me give a few examples.

Here is a farmer in Barron County, one of the best dairy counties in the State of Wisconsin. The farm consists of 120 acres, nearly all of which is under cultivation. The buildings are fair. The fences are good. The property is located on a lake shore. This man bought the farm 34 years ago. At that time the land was all wild. He paid $3,500 for the land. Then he cleared the land, put up the buildings, and so forth. In 1922 he obtained a Federal land-bank loan in the amount of $7,500. For 12 years he paid interest, taxes, and insurance. In 1934 he lost the property by foreclosure and was forced to apply for relief. Later on he was given old-age assistance. After 1934 the Federal land bank sold the farm for $3,500.

I wish I had the ability to picture the reactions of a farmer and his family who have cleared wild land from the wilderness, who have built up their home from a shack into a respectable farm residence, who by their labor have secured sufficient funds to build farm buildings upon it, and then, after living upon that land for 34 years, have it foreclosed, are deprived of it, and then have the humiliating experience of having to accept public assistance. I say that that sort of thing does not have to happen.

That was a rural community. Do that to just one deserving farm family in a county, and you tend to undermine the confidence and respect of the entire community in and for the policies and activities of government.

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

Mr. LA FOLLETTE. I yield.

Mr. LUNDEEN. I was wondering what the approximate interest rate was that the farmer paid on his mortgage.

Mr. LA FOLLETTE. Mr. President, I have only this information which came to me this morning. I have not anything further. These are brief summaries of the farm experience of a few of these examples that have been investigated.

Mr. LUNDEEN. If the Senator will permit me, I should like to say that I think it will be found that the interest rate was somewhere around 5 percent or more; but during that period we were permitting loans to foreign nations at one-tenth of 1 percent, and that fact is in the RECORD. We had better revise our policies in America, and I think of our own American people and our own American farmers.

Mr. LA FOLLETTE. Here is another farmer in the same county. He had lived on this property for over 40 years. He had purchased the land when it was all wild. Through his efforts the land was cleared, and buildings put up. He obtained a Federal land-bank loan in the amount of $4,000. Because of drought conditions and low farm prices he lost the farm, and the Federal land bank resold the farm to another party for $1,300.

Here is another 40-acre farm in the same county. Twenty years ago this farmer paid $4,500 for the farm. He cleared and plowed 20 acres of the land and put up all the buildings. The buildings cost him over $2,000. His total investment was about $7,000. In 1934 it became necessary to obtain a loan in the amount of $2,000, of which $1,000 was obtained from the Federal land bank and $1,000 from the Federal land bank commissioner. He lost the farm through foreclosure in 1938. In 1939 the bank sold the farm to someone else for $1,500. This farmer is 56 years old. He has today no property whatever.

Here is another farm. The family are old settlers in the community. They owned an 80-acre farm, 40 acres of which was under cultivation. The land is good. The buildings are fair. Years ago the farmer paid $5,500 for this place. In 1933 he obtained a Federal land-bank loan in the amount of $3,000. Because of the depression and drought the place was lost by foreclosure. Later on, the Federal land bank sold the farm to someone else for $1,800.

I could continue almost indefinitely citing such tragic and appealing cases; but I say to the Senate in all seriousness that this amendment will provide relief. It will provide a new opportunity for farmers—good farmers, hard-working farmers—to obtain a refinancing of their farms under the terms of the Jones-Bankhead Act, and thus enable them to retain their farms, to work out their principal and their interest upon the readjusted basis, and to remain what they are today, self-respecting, hard-working citizens of the United States.

Mr. President, I appeal for votes to suspend the rule, and to enable us to provide this relief, for which the Senate has twice voted under amendments offered by the Senator from Vermont [Mr. AUSTIN], and voted for on the lending bill by a vote of 74 to 8.

Mr. WHEELER. Mr. President, I know that the Senate is not in any mood to listen to any long argument with reference to this proposed legislation at this time. I appreciate the fact that a vote upon the measure at this late hour may not indicate the interest of Members of the Senate in the proposed legislation, and I do not wish to take a great deal of time with reference to the matter. Probably nothing I can say will be as eloquently or as ably said as has been the argument made by the Senator from Wisconsin [Mr. LA FOLLETTE].

I wish to call attention to the farm situation, and when I speak of it as a farm situation I do not mean a farm situation as it relates to the State of Montana, or to the State of Wisconsin, or the State of California, but I call attention to it as a farm situation as it relates to the State of New York, the State of Connecticut, and to every other State in the Union.

We have been passing measures, and eloquent speeches have been made in behalf of labor, and I have voted for the prevailing wage scale. I voted originally for it, and I fought for an increase in the wages of railway workers and others. But I call attention to the fact that a great many of the farmers of this country are not making as much upon their

farms at the present time and getting as much money as the Government is paying out to some of the relief workers in the United States.

Some of the farmers upon farms in the most fertile valleys in the country, some of the farmers in Illinois, some of the farmers in Iowa, some in Wisconsin, some in the Connecticut Valley, notwithstanding the fact that they have investments of from $5,000 to $10,000 in their farms, are not making as much in the way of net income as the man who is on relief is receiving.

City and county and national taxes have been increased, and the cost of everything the farmer buys has risen. He has a mortgage upon his property, perhaps, and the rates of interest have not come down. The railroads of the country can borrow money at the banks at 2 percent, but the farmers are, in some instances, paying as high as 6 or 7 percent, and in others as high as 8 percent, for the money they must borrow.

Unless we do something to keep the farmers upon their farms, and make it possible for them to stay on them, we will have a chaotic condition in this country in the not very distant future.

I know of the prejudice which exists in the minds of some Members of the Senate with reference to attaching this kind of an amendment to an appropriation bill, but I think the Senate and the Congress should set aside their prejudices in considering this particular bill, and suspend the rule, and permit the amendment to be placed upon this appropriation bill. I believe the House of Representatives will accept the amendment if it goes to conference.

Mr. President, I do not believe the Members of the House could go back home and face their constituents and acknowledge that they had refused to vote to relieve the great farming interests, which are the very foundation and the very backbone of this Government, if they had failed to vote for legislation which would help keep the farmer and his wife and his children upon their farm. It is inconceivable to me that that should happen, and I appeal to the Members of the Senate, who voted a few days ago by 74 to 8 on the amendment offered by the Senator from Wisconsin and myself to the spending-lending bill, that they vote to suspend the rule and place this amendment upon the pending bill.

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered.

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

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

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

Adams	Davis	Lucas	Sheppard
Andrews	Downey	Lundeen	Shipstead
Ashurst	Ellender	McCarran	Smith
Austin	George	McKellar	Stewart
Bankhead	Gerry	Mead	Taft
Barkley	Gibson	Miller	Thomas, Okla.
Borah	Gurney	Minton	Thomas, Utah
Bridges	Hale	Murray	Tobey
Brown	Harrison	Neely	Townsend
Bulow	Hatch	Nye	Truman
Burke	Hayden	O'Mahoney	Van Nuys
Byrd	Herring	Pepper	Wagner
Byrnes	Johnson, Calif.	Pittman	Walsh
Capper	Johnson, Colo.	Radcliffe	Wheeler
Chavez	King	Reed	White
Clark, Mo.	La Follette	Russell	
Connally	Lee	Schwartz	
Danaher	Lodge	Schwellenbach	

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

Mr. LA FOLLETTE. Mr. President, speaking for myself, I wish to make the statement that if the rule is suspended I shall vote against any amendment which may be tendered to the amendment under discussion, because I believe that the other amendments have had their opportunity, and I do not think that one amendment should be denied its right to be considered on its merits because of apprehension by Senators that other amendments which have had their opportunity will be offered to my amendment.

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

Mr. LA FOLLETTE. I yield.

Mr. WHEELER. I wish to say that I concur fully in what the Senator from Wisconsin has stated. I would not only vote against any amendment such as he suggests, but certainly I would speak against attaching other amendments to his amendment. I think it would not be fair to the farmers of this country for anyone who is interested in these other amendments whatever they may be, to try to tack them to this amendment.

Mr. MEAD. Mr. President, will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I yield.

Mr. MEAD. I believe that the amendment presented by the able Senator from Wisconsin is one which contains considerable merit, and it should receive the approval of this body. I agree with the statement which has just been made by the Senator from Montana, and I for one shall oppose vigorously any further amendment to the amendment now at the desk. I believe it should stand or fall on its own merits. Therefore, while supporting the amendment, I will object to any amendment to the amendment being offered.

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

Mr. LA FOLLETTE. I yield.

Mr. MURRAY. I wish to say that I consider this a very meritorious amendment, and at this time I desire to state that I will not offer the amendment I presented a short time ago, and I will vote against any amendment which may be proposed which might embarrass the adoption of the Senator's amendment.

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

Mr. LA FOLLETTE. I yield.

Mr. PEPPER. I wish to subscribe to the sentiments expressed by other Senators. I do not think we should lose a little of the good we may get because we cannot get all we would like to have.

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

Mr. LA FOLLETTE. I yield.

Mr. McCARRAN. I shall support the amendment, I shall vote for it, but I return to the expression I made not long ago in the Senate, that whenever I have an opportunity I shall endeavor to break through the line so that we may have the prevailing wage amendment presented, and if this amendment affords me such an opportunity, I will take advantage of it.

Mr. LA FOLLETTE. Mr. President, I did not know the Senator was going to "run interference" for the Committee on Appropriations, or I would not have yielded to him.

Mr. AUSTIN. Mr. President, I reaffirm my belief in the principle involved in the amendment. It is the same principle that was expressed in two amendments which the Senate saw fit to attach to different bills which were offered some time ago. My views have been thoroughly expressed for the RECORD, and I will not weary Senators by repeating them.

I do, however, wish to make this comment, that while this is in the nature of an appropriation, it does not call for new money, but it does authorize the use of Federal credit for a purpose I think is of a very fundamental character, that is, to give to agriculture, and particularly that part of agriculture which is the most needy at the present time, a stabilizing factor, that is, time. Agricultural products are not turned over with the same velocity which characterizes the turn-over of industrial products, and that is one reason why agriculture gets behind industry and commerce.

It has long been my opinion that if we put the economy of agriculture on a timing basis that harmonized with the timing of nature, that synchronized with the annual development and turn-over of agricultural products, we would afford to agriculture more substantial and permanent benefits than we could possibly do by regimenting agriculture or by granting it bounties.

This measure, if carried out according to the spirit of the Bankhead-Jones Farm Tenant Act, as stated in the amendment, carries with it the principle of security for farmers in respect of two things. One is the reduction

of the cost of carrying the debt, and the other is the extension of time in which to amortize and retire the debt.

Time is of the very essence of this amendment, and time is what the farmers need in order to retire and pay off their debts. There is no question about their honesty. There is no question that it is the supreme desire of the farmer, and the farmer's wife and the farmer's children, to pay off the mortgage on the farm. This affords the shield and protection of the credit of the Government for this purpose, and I hope the rule will be suspended so that amendment may be voted upon, and I hope the amendment will be adopted by as large a majority as that by which it was agreed to when last presented.

Mr. REED. Mr. President, no one knows better than I that the Senate does not care to listen to a long discussion, and I promise to limit myself to 2 minutes. I merely wish to call attention to the fact that we are doing a very inconsistent thing. We are furnishing means by which a tenant may buy a farm, but we are putting farmers who own their farms and live on their farms, off their farms. The only purpose of the amendment is to remedy that situation.

The Senate has twice adopted this principle. It calls for no new appropriation. As the distinguished Senator from Vermont has said, it authorizes the Secretary of Agriculture to use credit, and that is all. If there ever was a meritorious case which is not inconsistent with a thing that has been done here today, this is that case, and I earnestly hope the Senate will vote to suspend the rule. I join with the Senator from Wisconsin, the senior Senator from Montana, and the junior Senator from Montana, and say that I will oppose any attempt to add anything to the amendment if the Senate votes to suspend the rule.

Mr. SMITH. Mr. President, I believe I am about as simon-pure a farmer as there is in this body. I doubt whether the condition which is being described is brought about by natural causes. If time would allow me I should like to outline what has brought about the present deplorable condition of the farmer. We are not going to cure it by appropriating public funds when we are perpetuating laws which produce that effect. It is just a vicious circle.

I am not here opposing the Government coming in to aid, but I think it ought to start at the right place. I deplore the fact that this amendment comes up at the time it does and in the form it does. I wish it had been offered at the time when all the forces that brought about this condition were at work. But, as I said before, if the rule is to be suspended for the benefit of those who will be provided for under the proposed amendment, then the rule should be suspended so that those who would be affected by the amendment proposed by the Senator from Nevada would also be benefited. That is not all. The minute the Senate opens the door we shall have a flood of amendments the purpose of which is to relieve a condition that may be horribly disastrous within 5 months. We will be back here in 5 months, and then we should legislate in sanity, and not be taking a lot of piecemeal bites at the thing. I as a farmer and a representative of that class of wonderfully worthy people am going to vote against the suspension of the rule, not because I would not like to see this relief handed out, but because I do not believe the time and place and circumstance warrant it. We may take the action contemplated under the amendment, but also we may take action on other things not now contemplated. Despite the fact that such eloquent pleas have been made for it, and although I am perhaps more personally interested in the effect temporarily than is any other Senator on the floor, I urge that the rule not be suspended.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] to suspend paragraph 4 of rule XVI so that he may offer his amendment. On that question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia, who is absent. If present he would vote "nay." The senior Senator from North Dakota [Mr. FRAZIER] and myself are paired with the senior Senator from Virginia. If the senior Senator from North Dakota were present he would vote "yea," and if I were at liberty to vote I should vote "yea."

Mr. STEWART (when his name was called). I am paired with the Senator from Oregon [Mr. HOLMAN] and the Senator from Washington [Mr. BONE], both of whom if present would vote "yea." I transfer that pair to the Senator from New Jersey [Mr. SMATHERS] and will vote. I vote "nay."

Mr. TOBEY (when his name was called). On this question I have a pair with the junior Senator from Pennsylvania [Mr. GUFFEY] and the junior Senator from Illinois [Mr. SLATTERY]. I understand each of these Senators if present would vote "yea." I transfer my pair to the senior Senator from Maryland [Mr. TYDINGS] and will vote. I vote "nay." I am advised that if present, the Senator from Maryland would vote "nay."

The roll call was concluded.

Mr. DAVIS (after having voted in the affirmative). I have a general pair with the junior Senator from Kentucky [Mr. LOGAN]. I do not know how he would vote if he were present. I transfer my pair to the junior Senator from New Jersey [Mr. BARBOUR]. I do not know how he would vote if he were present. I allow my vote to stand.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CONNALLY. The Senator from Pennsylvania just stated that he had a pair with some other Senator and that he did not know how he would vote if he were present. Then he transferred his pair to another Senator and announced that he did not know how that other Senator would vote if present. How can that be done? How can a transfer of pairs be made unless there is some understanding as to how the Senators would vote if present? I make a point of order that that vote cannot stand.

The PRESIDENT pro tempore. The Senator from Pennsylvania wishes to relieve himself of the pair on a question the decision of which requires an affirmative vote of two-thirds of the Senators voting. If he were voting in the negative it would only require the transfer to one Senator. If he were voting in the affirmative, it would require the transfer to two Senators who would not vote as he would if they were present and voting.

The Senator has transferred his pair, so the Chair understands, to some other Senator. It is a matter with the Senator as to whether or not he believes that the other Senator is on the other side of the question.

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from Washington [Mr. BONE], the Senator from Michigan [Mr. BROWN], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Idaho [Mr. CLARK], the Senator from Iowa [Mr. GILLETTE], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Alabama [Mr. HILL], the Senator from Delaware [Mr. HUGHES], the Senator from West Virginia [Mr. HOLT], the Senator from Connecticut [Mr. MALONEY], the Senator from Illinois [Mr. SLATTERY], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Maryland [Mr. TYDINGS] are absent on important public business.

The Senator from Ohio [Mr. DONAHEY], the Senator from Kentucky [Mr. LOGAN], the Senator from Virginia [Mr. GLASS], the Senator from Louisiana [Mr. OVERTON], and the Senator from North Carolina [Mr. REYNOLDS] are unavoidably detained.

Mr. HARRISON. Making the same announcement with reference to my general pair with the Senator from Oregon [Mr. MCNARY], I vote. I vote "nay."

Mr. AUSTIN. The Senator from Oregon [Mr. MCNARY] is necessarily absent. His pair with the Senator from Mississippi [Mr. HARRISON] has been stated.

The Senator from Wisconsin [Mr. WILEY] has a general pair with the Senator from Rhode Island [Mr. GREEN].

The result was announced—yeas 38, nays 30, as follows:

YEAS—38

Andrews	Downey	Mead	Schwellenbach
Ashurst	Gibson	Minton	Sheppard
Austin	Herring	Murray	Thomas, Okla.
Barkley	Johnson, Calif.	Neely	Thomas, Utah
Borah	Johnson, Colo.	Nye	Truman
Bulow	La Follette	O'Mahoney	Van Nuys
Capper	Lee	Pepper	Wagner
Chavez	Lucas	Pittman	Wheeler
Danaher	Lundeen	Reed	
Davis	McCarran	Schwartz	

NAYS—30

Adams	Connally	Hayden	Stewart
Bailey	Ellender	King	Taft
Bankhead	George	Lodge	Tobey
Bridges	Gerry	McKellar	Townsend
Burke	Gurney	Miller	Walsh
Byrd	Hale	Radcliffe	White
Byrnes	Harrison	Russell	
Clark, Mo.	Hatch	Smith	

NOT VOTING—28

Barbour	Frazier	Holt	Reynolds
Bilbo	Gillette	Hughes	Shipstead
Bone	Glass	Logan	Slattery
Brown	Green	McNary	Smathers
Caraway	Guffey	Maloney	Tydings
Clark, Idaho	Hill	Norris	Vandenberg
Donahey	Holman	Overton	Wiley

The PRESIDENT pro tempore. Less than two-thirds of the Senators present having voted in the affirmative, the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] to suspend paragraph 4 of Rule XVI is rejected.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent that the yea-and-nay vote and the announcements in connection therewith appearing on page 10295 of the CONGRESSIONAL RECORD of July 28, 1939, be printed in the RECORD at this point.

The PRESIDENT pro tempore. Is there objection?

Mr. BURKE. I object.

Mr. LA FOLLETTE. Mr. President, I have the floor and will read it into the RECORD. An amendment identical to that just offered by me on which the Senate has just voted not to suspend the rule, in order that I might offer it, was offered on July 28, 1939. It occurred to me that the constituents of Senators who do not have the privilege of having a complete file of the CONGRESSIONAL RECORD might be somewhat confused, having read that the amendment was adopted by a vote of 74 to 7 in connection with the lending bill, to find that subsequently there had been a different vote. I read:

The PRESIDING OFFICER. The question is on agreeing to the amendment offered jointly by the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Montana [Mr. WHEELER]. On that amendment the yeas and nays have been demanded and ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). On this question I am paired with the senior Senator from Oregon [Mr. MCNARY]; but I understand that if present he would vote as I intend to vote. I vote "yea."

The roll call was concluded.

Mr. DAVIS (after having voted in the affirmative). I have a general pair with the junior Senator from Kentucky [Mr. LOGAN]. I understand, however, that if he were present he would vote as I have already voted; so I will let my vote stand.

Mr. GREEN. I have a general pair with the Senator from Wisconsin [Mr. WILEY]. I transfer that pair to the senior Senator from Arkansas [Mrs. CARAWAY], and will vote. I vote "yea."

Mr. MINTON. I announce that the Senator from North Carolina [Mr. REYNOLDS] is detained from the Senate because of illness in his family.

The Senator from Arkansas [Mrs. CARAWAY] is absent on import public business.

The Senator from North Carolina [Mr. BAILEY], the Senator from Ohio [Mr. DONAHEY], the Senators from Virginia [Mr. GLASS and Mr. BYRD], the Senator from Utah [Mr. KING,] the Senator from Kentucky [Mr. LOGAN], the Senator from Louisiana [Mr. OVERTON], the Senator from Nevada [Mr. PITTMAN], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Massachusetts [Mr. WALSH] are unavoidably detained.

The result was announced—yeas 74, nays, 7, as follows:

YEAS—74

Adams, Andrews, Ashurst, Austin, Bankhead, Barbour, Barkley, Bilbo, Bone, Borah, Brown, Bulow, Burke, Byrnes, Capper, Chavez, Clark, Idaho, Clark, Mo., Connally, Danaher, Davis, Downey, Ellender, Frazier, George, Gibson, Gillette, Green, Guffey, Gurney, Harrison, Hatch, Hayden, Herring, Hill, Holman, Holt, Johnson, Colo., La Follette, Lee, Lodge, Lucas, Lundeen, McCarran, McKellar, Maloney, Mead, Miller, Minton, Murray, Neely, Norris, Nye, O'Mahoney, Pepper, Radcliffe, Reed, Russell, Schwartz, Schwellenbach, Sheppard, Shipstead, Slattery, Smathers, Smith, Stewart, Thomas, Utah, Townsend, Truman, Tydings, Vandenberg, Van Nuys, Wagner, Wheeler.

NAYS—7

Bridges, Gerry, Hale, Hughes, Taft, Tobey, White.

NOT VOTING—15

Bailey, Byrd, Caraway, Donahey, Glass, Johnson, Calif., King, Logan, McNary, Overton, Pittman, Reynolds, Thomas, Okla., Walsh, Wiley.

So the amendment offered jointly by Mr. LA FOLLETTE and Mr. WHEELER was agreed to.

Mr. PEPPER. Mr. President, I wish to offer a word of explanation. The Senate will recall that earlier in the day I asked the chairman of the subcommittee [Mr. ADAMS] whether or not the request submitted by the Wage and Hour Administration for $2,000,000, which had been approved by the Budget, had been approved by the committee. The chairman of the subcommittee, the Senator from Colorado and the able Senator from Tennessee [Mr. MCKELLAR] were both of the opinion, in the announcement they made to me at that time, that the Senate had granted the entire request of the Wage and Hour Administration as approved by the Budget.

Since that time we have checked back with the clerical force of the committee and we find that there must have been some confusion or error because, as the amendment actually was adopted in the committee and is actually contained in the bill, only $500,000 instead of $1,000,000 was allowed by the Senate Committee on Appropriations.

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

Mr. PEPPER. I yield.

Mr. MCKELLAR. All I can say is that I understood that both the subcommittee and the full committee had voted $1,000,000 additional. I do not know what the record shows.

Mr. PEPPER. I will say that that was also the stated understanding of the chairman of the subcommitee, the Senator from Colorado [Mr. ADAMS] earlier in the day.

Mr. President, having checked carefully with the clerk of the Senate Appropriations Committee, in the presence of the able Senator from Utah [Mr. THOMAS], the chairman of the Committee on Education and Labor, we find that there will have to be a correction of the record if I correctly understand the intention of the committee.

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

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

Mr. ADAMS. The Senator is quite correct as to the response I made to him earlier in the day. I have talked with the Senator from Arizona [Mr. HAYDEN] and with the clerk of the committee. They tell me that my response was in error, and that a motion was made in the committee to put in the $1,000,000, which motion was lost, and that a motion was then offered by the Senator from Georgia [Mr. RUSSELL] to put in $500,000, which motion was carried. I am sorry that my recollection was in error, as it obviously was in view of the statements of those who have kept close track of the matter.

Mr. MCKELLAR. Mr. President, I was under the wrong impression about it. I thought the amendment went through as requested.

Mr. PEPPER. I am sure the Senator thought so.

Mr. MCKELLAR. I shall be very glad to support the request for $1,000,000.

Mr. PEPPER. I appreciate the Senator's attitude.

Mr. MCCARRAN. Mr. President, will the Senator yield in order that I may take up a matter foreign to that which he is discussing, provided he does not lose the floor?

Mr. PEPPER. Will the Senator be kind enough to allow me to conclude this matter? I shall then be glad to yield to the Senator.

Mr. MCCARRAN. Very well.

Mr. PEPPER. Mr. President, the situation is this: A short time ago the Wage and Hour Administration submitted to the Bureau of the Budget a request for a deficiency appropriation of $4,600,000. The Bureau of the

Budget, after carefully considering the request, reduced the amount requested to $2,000,000. The Bureau of the Budget therefore submitted to the Congress the figure $2,000,000 for additional funds for the enforcement of the Wage and Hour Act. That was done, Mr. President, in view of the fact that there are 20,000 complaints in the files of the Wage and Hour Administration, and they have a total force of inspectors of only 210. They have only eight field lawyers for the purpose of servicing those complaints in litigation.

When the matter went to the House the Appropriations Committee recommended nothing; but the House, upon the amendment of Mr. Woodrum, included $1,000,000. So the matter came to the Senate with $1,000,000 of the $2,000,000 recommended by the Bureau of the Budget. The Senator from Utah [Mr. THOMAS], the chairman of the Committee on Education and Labor of the Senate, personally appeared before the Senate Appropriations Committee. I happened to be present. Officials from the Wage and Hour Administration and some Members of the House were present, and pointed out the need for funds to make possible at least a reasonable enforcement of the wage and hour law.

As Senators have indicated today, many Senators agreed that a reasonable amount of money should be available to the Wage and Hour Administration for the enforcement of the law. However, as the Senate has heard today, only $500,000 was put in by the Senate committee instead of $1,000,000, which would have been necessary to have brought the total appropriation up to the amount recommended by the Bureau of the Budget.

Mr. President, I was one of the Senators from the South who supported the wage and hour law. Other Senators opposed that law. However, I think we are all agreed that if the law is to be on the statute books it is entitled to a reasonable and fair enforcement. Those who have tried to observe the law are being victimized by the "chiseler" who is not willing to try to observe it. Therefore a great injustice is being done by the Congress to the law-abiding citizen who has tried to observe the law of his country in the payment of a reasonable wage and in the observance of the reasonable hour standards laid down by the law. With 20,000 complaints in the files of the Wage and Hour Administration and a total force up until the 1940 appropriation was made available of only 104 inspectors for the whole country, and no trial lawyers, and with a total force at present of only 210 inspectors and 8 trial lawyers, every Senator knows that it is humanly impossible to give any decent enforcement to the terms of the law. Consequently I am sure Senators and Representatives are flooded with complaints. The Wage and Hour Administration is simply bogged down with inability to enforce the law. As a result respect for the law all over the country has broken down. The effect in the long run will be so to discredit the law that nobody will be its champion; and the courts will be filled with litigation when eventually the Government may stir itself from its inertia to begin the enforcement of the law.

I think the least we can do is to allow the amount recommended by the Bureau of the Budget, which was only 40 percent of the amount requested by the Administrator and his staff. In order to bring the matter before the Senate I believe the proper procedure would be to move to reconsider the vote by which the Senate Appropriations Committee amendments were adopted.

I give notice that if the motion to reconsider the vote prevails I shall move to make the appropriate changes in the figures to make possible an additional allowance of $500,000. In that way the sum recommended by the Bureau of the Budget and so much needed by the Administration would be made available.

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

Mr. PEPPER. I yield.

Mr. ADAMS. In view of the unintentional misinformation given to the Senator when the amendment was before us, I hope his request for reconsideration will be granted. I think it should be.

Mr. PEPPER. I thank the chairman of the subcommittee.

PROTECTION AGAINST UNLAWFUL USE OF INSIGNIA OF VETERANS' ORGANIZATIONS

Mr. McCARRAN. Mr. President, will the Senator from Florida yield for the consideration of a matter not germane to the subject matter he is discussing, and which I hope will not take him off the floor?

Mr. PEPPER. I yield.

Mr. McCARRAN. Mr. President, some days ago the Senate passed Senate bill 2365, for the protection against unlawful use of the badge, medal, emblem, or other insignia of veterans' organizations incorporated by act of Congress, and providing penalties for the violation thereof. When that bill was passed by the Senate the House passed an almost identical bill, except for some amendments which were offered by the Senate Committee on the Judiciary. In some way the House bill was returned to the House.

We then asked for the return of the House bill, and it has now been returned and is in the possession of the clerk. I now ask that the House bill be laid before the Senate and be considered, so that we may offer amendments in keeping with the amendments which were incorporated in the Senate bill.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill coming over from the House of Representatives.

The bill (H. R. 5982) for the protection against unlawful use of the badge, medal, emblem, or other insignia of veterans' organizations incorporated by act of Congress, and providing penalties for the violation thereof, was read twice by its title.

Mr. McCARRAN. Mr. President, if it be in order, I wish to offer the amendments which have been suggested in the House bill.

The PRESIDENT pro tempore. The Senator should first ask unanimous consent for the reconsideration of the vote by which Senate bill 2365 was passed.

Mr. McCARRAN. I ask unanimous consent for the reconsideration of the vote by which Senate bill 2365 was passed.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the vote is reconsidered.

Is there objection to the present consideration of House bill 5982?

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

Mr. McCARRAN. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from Nevada will be stated.

The LEGISLATIVE CLERK. On page 1, line 3, after the word "the", it is proposed to strike out "manufacturing, wearing, purchase, or sale, either separately or appended to, or to be appended to, or the reproduction on any article of merchandise manufactured or sold," and insert "manufacture or sale in interstate commerce", and in line 7, before the word "of", to insert "or the reproduction thereof for commercial purposes."

Mr. DANAHER. Mr. President, will the Senator from Nevada yield for a question?

Mr. McCARRAN. Certainly.

Mr. DANAHER. Does the amendment as proposed cause the House bill to be brought into conformity with the measure recommended by the Judiciary Committee?

Mr. McCARRAN. I will say to the able Senator from Connecticut that the amendment I have offered is the one adopted by the Judiciary Committee of the Senate. It is now being incorporated into the House bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nevada.

The amendment was agreed to.

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

The bill was read the third time, and passed, as follows:

Be it enacted, etc., That the manufacture or sale in interstate commerce of the badge, medal, emblem, or other insignia or any colorable imitation thereof, or the reproduction thereof for commercial purposes, of any veterans' organization incorporated by act of Congress, or the printing, lithographing, engraving, or other like reproduction on any poster, circular, periodical, magazine, newspaper, or other publication, or the circulation or distribution of any such printed matter bearing a reproduction of such badge, medal, emblem, or other insignia, or any colorable imitation thereof, of any such veterans' organization, is prohibited except when authorized under such rules and regulations as may be prescribed by such organization so incorporated. Any person who knowingly offends against any provision of this act shall on conviction be punished by a fine not exceeding $250 or by imprisonment not exceeding 6 months, or by both such fine and imprisonment.

Mr. McCARRAN. I ask that Senate bill 2365 be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, Senate bill 2365 is indefinitely postponed.

THIRD DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 7462) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1939, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1939, and June 30, 1940, and for other purposes.

Mr. PEPPER. Mr. President, in view of the statement made by the Senator from Colorado, I ask unanimous consent that the Senate reconsider the votes by which the following committee amendments were adopted:

The amendment inserting $7,750 in place of $15,500 on page 38, line 25.

The amendment inserting $113,500 in lieu of $227,000 on page 39, line 9.

The amendment inserting $381,250 in lieu of $762,500 on page 40, line 19.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the votes are reconsidered. Now the question before the Senate is on agreeing to the amendments of the committee which have just been stated.

Mr. PEPPER. Mr. President, I now move that on page 38, line 25, "$15,500" be stricken out, and in lieu thereof "$31,000" be inserted.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Utah will state it.

Mr. KING. Would it not be possible to add the various figures together, and submit the amendments at one time? I understand that the Senator is asking for half a million dollars more.

Mr. PEPPER. That is correct.

Mr. KING. And when the Senator proposes to do it in small doses, we do not know what the aggregate is.

Mr. PEPPER. Mr. President, I ask unanimous consent for the privilege of stating the amendment in this way:

That the sum of $500,000 be added to the sum allowed by the Appropriations Committee, and that the clerk make an appropriate distribution of that sum of money in line 25, page 38; line 9, page 39; and line 19, page 40.

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

Mr. PEPPER. I yield.

Mr. CLARK of Missouri. It is possible that the Senator explained the matter before I came into the Chamber a moment ago; but will the Senator explain what the difference is between his figures, the figures of the Senate Appropriations Committee, and the bill as sent over from the House.

Mr. PEPPER. Yes, Mr. President. I am sorry the Senator from Missouri was not in the Chamber when I discussed the matter before.

Mr. CLARK of Missouri. I am sorry, too; but I should like to know that before I vote on the Senator's amendments.

Mr. PEPPER. I will say to the Senator from Missouri that the Wage and Hour Administration submitted to the Budget Bureau a request for $4,600,000 of additional funds in this deficiency appropriation bill. The Budget Bureau, after examining the request, reduced the figure to $2,000,000, and the Budget Bureau request then came to the Congress asking for that amount. The House Committee on Appropriations cut out any sum whatever for this item; but the House itself, in the consideration of the bill, added $1,000,000; so the item came to the Senate carrying $1,000,000, or one-half of the Budget Bureau request. The Senate Appropriations Committee added $500,000 more, leaving an additional $500,000 requested by the Budget Bureau but not granted by the Senate Appropriations Committee. What I am now offering is an amendment to grant the additional $500,000 requested by the Budget Bureau and not allowed by the Senate Appropriations Committee.

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

Mr. PEPPER. I yield.

Mr. CLARK of Missouri. In other words, this proposition is an increase of $1,000,000 over the House figures, and an increase of $500,000 over the figures reported from the Senate committee?

Mr. PEPPER. That is exactly correct.

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

Mr. PEPPER. Have I unanimous consent to offer the amendment in the form in which I have stated it?

Mr. AUSTIN and Mr. DANAHER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Vermont desire to be recognized now?

Mr. AUSTIN. No; after the request has been stated.

The PRESIDENT pro tempore. The Chair does not think he can state the request.

Mr. AUSTIN. That is the trouble with the Senator from Vermont; he does not understand the request.

Mr. PEPPER. Very well, Mr. President; a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. PEPPER. In offering the amendment I suppose it will be necessary to take up the three items, because there are three items in the bill over which this money is distributed. Therefore, I cannot offer the amendment all in one item, because the bill is not drawn in that way. The $500,000 will have to be distributed over the following items: On page 38, the last figures in line 25; on page 39, the last figures in line 9; and on page 40, the only figures in dollars appearing in line 19. I can offer the amendment item by item, or I can offer it in the way in which I presented it a moment ago, to let the $500,000 increase which I propose be distributed by the clerk over those three items. I was merely trying to save the time of the Senate by offering the amendment in that way.

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

Mr. PEPPER. I yield.

Mr. HAYDEN. What are the figures that the Senator had on line 25, page 38? I have here a proposal to increase that amount to $31,000.

Mr. PEPPER. That is what the figure should be.

Mr. HAYDEN. Very well. What should the figure be in line 9, page 39?

Mr. PEPPER. It should be $454,000; and on page 40, in line 19, the figure should be $1,525,000.

Mr. HAYDEN. If the Senator will offer the three amendments and ask that they be voted on en bloc, we can have one vote.

Mr. PEPPER. Mr. President, I offer the three amendments as I have just identified them, and ask that they be voted upon en bloc.

Mr. AUSTIN. I object.

The PRESIDENT pro tempore. The Senator from Vermont objects.

Mr. HAYDEN. Then let us vote on the first one.

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

Mr. PEPPER. Mr. President, I offer the first amendment separately. On page 38, line 25, I move to strike out "$15,500" and insert in lieu thereof "$31,000."

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

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

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

Adams	Davis	Lucas	Sheppard
Andrews	Downey	Lundeen	Shipstead
Ashurst	Ellender	McCarran	Smith
Austin	George	McKellar	Stewart
Bailey	Gerry	Maloney	Taft
Bankhead	Gibson	Mead	Thomas, Okla.
Barkley	Guffey	Miller	Thomas, Utah
Borah	Gurney	Minton	Tobey
Bridges	Hale	Murray	Townsend
Bulow	Harrison	Neely	Truman
Burke	Hatch	Nye	Vandenberg
Byrd	Hayden	O'Mahoney	Van Nuys
Byrnes	Herring	Pepper	Wagner
Capper	Johnson, Calif.	Pittman	Walsh
Chavez	Johnson, Colo.	Radcliffe	Wheeler
Clark, Idaho	King	Reed	White
Clark, Mo.	La Follette	Russell	
Connally	Lee	Schwartz	
Danaher	Lodge	Schwellenbach	

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Seventy-three Senators having answered to their names, a quorum is present.

Mr. BYRNES and Mr. DANAHER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. BYRNES. Mr. President, if the Senator from Connecticut desires to make some remarks, I will yield the floor to him.

Mr. DANAHER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. PEPPER. Mr. President, will the Senator yield to me for just a moment?

Mr. DANAHER. I yield to the Senator from Florida.

Mr. PEPPER. I desire to state that I am not altogether responsible for the confusion which prevails in this matter. The way the Senate Committee on Appropriations acted on the matter the money is distributed among three items. That is the reason why I had to offer the amendment in the form of three items instead of one, but it is all for the purpose of enforcing the wage and hour law.

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

Mr. DANAHER. I yield to the Senator from South Carolina.

Mr. BYRNES. There is not any doubt that there is a misunderstanding as to what took place in the committee. The Senate committee added $500,000 to be apportioned to the three items. The Budget estimate was $1,000,000.

Mr. PEPPER. Two million dollars.

Mr. BYRNES. That is going back to the original amount. I ask the Senator from Colorado [Mr. ADAMS], the chairman of the subcommittee, if he will not accept the amendment, which I understand increases the amount $500,000, to be apportioned to the three items, and let the matter go to conference.

Mr. MCKELLAR. Mr. President, I hope the Senator from Colorado will do that. That was my understanding.

Mr. ADAMS. Mr. President, I am in an embarrassing situation.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. DANAHER] has the floor.

Mr. DANAHER. Mr. President, I wish the Senator from Colorado would be kind enough to tell us for what purposes these particular funds would be used. We have heard how a million dollars was added by the House, and another half-million dollars by the Senate Committee on Appropriations, and there is a proposal pending for yet an additional half-million dollars. Will the Senator from Colorado please explain the purposes of the proposed additional half-million dollars?

Mr. ADAMS. Yes; as far as I understand them.

The statement which was made to us was that as we had imposed the various obligations of the wage and hour law, there were throughout the country many institutions which in good faith wished to observe the requirements of the law, and that there were other institutions which were seeking to evade the law. The result was that those who were evading the law were having a temporary advantage over those who, in good faith, were complying with the law. The wage and hour authorities came before us and said they needed the amount in order that there might be a genuine enforcement of the law, so as to prevent a violation of the law by certain groups to the disadvantage of those who were trying to live up to the law. They said it would involve, at least during the initiation of the law, a large number of inspectors and a considerable number of attorneys to prosecute cases of law violation. As you know, the members of the committee had no information about the matter other than as it came to them from the wage and hour authorities.

We know that they asked for $4,000,000, and the House committee gave them no increase. On the floor of the House they were given a million dollars. The Budget recommended $2,000,000. The House gave them half of that, and the Senate committee gave them half of the remaining amount, that is, a million and a half. I was embarrassed this morning because my recollection was faulty, but we had just come from a long, rather detailed committee hearing, and I was in error about the matter. I have been embarrassed by reason of that, because I do not like to give erroneous information about any matter. That is the situation as I see it.

Mr. DANAHER. Mr. President, I thank the Senator from Colorado, but when the Senate Committee on Appropriations recommended the additional half million dollars, was the Senator satisfied that a sufficient appropriation was being recommended for these purposes?

Mr. ADAMS. My recollection, as refreshed, is that the Senate committee voted against increasing the amount in the committee, and the Senator from Georgia then offered a motion to make it half a million dollars. So that the obvious inference is that the Senate committee thought a half million dollars was sufficient, and that a million dollars was too much. That was the conclusion of the committee.

Mr. DANAHER. I thank the Senator.

Mr. BARKLEY. Mr. President, I trust that Senators will remain in the Chamber, because when the pending bill has been disposed of, I hope we may take up and dispose of the conference report on the social-security bill.

Mr. RUSSELL obtained the floor.

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

Mr. RUSSELL. I yield.

Mr. HATCH. The Senator from Georgia has very graciously yielded to me at this point, and I desire to be recognized just now, while the Senator from Wisconsin [Mr. LA FOLLETTE] is acting as Presiding Officer of the Senate and the Senator from Utah [Mr. THOMAS] is sitting here by my side, as he has been throughout the session of the Congress.

I am reminded that the Senator from Wisconsin took occasion just a few minutes ago to read certain matters into the RECORD. Following his example, I desire to read into the RECORD at this time an editorial from the Washington Daily News which has just been called to my attention and which relates to a matter upon which the Senate will presently vote. The editorial is entitled, "Funds for LA FOLLETTE," and reads:

FUNDS FOR LA FOLLETTE

The Senate Audit and Control Committee has finally recommended that the Senate grant $50,000 for continuing the work of the La Follette Civil Liberties Committee. We think the Senate should, and will, accept the recommendation.

The civil-liberties inquiry as conducted by Senator LA FOLLETTE, of Wisconsin, and his committee colleague, Senator THOMAS, of Utah, has been a model of patient, painstaking, scholarly search for facts.

It has covered much ground and exposed many shocking abuses. But there is still a great deal to be done in showing how the Bill of Rights has been kicked around, especially by such antilabor groups as the self-called Associated Farmers.

The mere action of the Senate in voting to prolong the committee's life should serve to restrain many offenders against human rights by putting them on notice that if they go too far the La Follette committee's agents will be knocking at their doors.

I thank the Senator from Georgia.

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

Mr. RUSSELL. I yield.

Mr. ADAMS. The Senator from New Mexico has given to the Senator from Wisconsin a fine example of heaping coals of fire, after the Senator from Wisconsin in a way pilloried the Senator from New Mexico for his inconsistent vote. I have risen just to say one thing in reference to the item the Senator from Wisconsin put into the RECORD, that there were some of us who voted for the Senator's amendment when it came before the Senate on its merits, but I think the apparent conflict shows that the Senate does vote upon measures according to merit, and I think that was a genuine vote. I do not believe the Senator is justified in pilloring Senators for inconsistency because they believe that appropriation bills should be protected, in accordance with the rules, against the inclusion of general legislation in amendments. I do not think the Senator is justified in seeming to make it appear that Members of the Senate who voted against the suspension of the rule were therefore voting against the proposal which was embodied in his amendment. They were voting against placing it in this particular bill.

Mr. BYRNES. What the Senator means is that he is indebted to the Senator for having placed the vote in the RECORD.

Mr. ADAMS. Yes.

Mr. BYRNES. We all are.

Mr. HATCH and Mr. LA FOLLETTE addressed the Chair.

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Georgia yield, and if so, to whom?

Mr. RUSSELL. I will yield first to the Senator from New Mexico, then I will yield to the Senator from Wisconsin.

Mr. HATCH. Mr. President, I want the Senator from Wisconsin to understand that there was no intention on the part of the Senator from New Mexico to heap coals of fire upon the head of the Senator from Wisconsin. The heading of the editorial which I read struck me, and I wanted to place the editorial in the RECORD. I thought it was a well-deserved tribute to two fine Senators of the United States, and I was glad to put it into the RECORD.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LA FOLLETTE. The remarks which I made at the same time I placed the roll call on the Wheeler-La Follette amendment to the lending bill in the RECORD will show that I made no comment upon the matter. If Senators find themselves in an inconsistent position it is no responsibility of the Senator from Wisconsin. It is one which they can explain to their constituents according to the lights which dictated action to them when they cast votes in conflict.

Mr. BYRNES. Mr. President, the Members of the Senate can explain that matter to their constituents without the consent of the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, the point I want to make, if the Senator from Georgia will permit me, is that I made no statement as to whether or not Senators had voted inconsistently. I said that I thought that those who were interested in the amendment, and farmers who would be benefited by it, might find it difficult to understand why the amendment had carried 74 to 8 on a previous vote, and had not obtained a two-thirds majority later, and therefore I asked to have the previous roll call placed in the RECORD. I assume full responsibility for that, but I did not make any statement such as I understood the Senator from Colorado to impute to me.

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

Mr. RUSSELL. I yield.

Mr. BURKE. The Senator from Wisconsin may disclaim any intention to put in an unfavorable light those Senators who voted for the Wheeler-La Follette amendment when it came before the Senate on its merits, and voted today against suspending the rule in connection with the pending bill, and opening up the whole matter for new debate. But, explain as he will, there can be only one inference drawn from it, and that is that he wanted the farmer constituents of those Senators to look with disfavor upon the Senators who cast those votes. I see no other inference to draw from it.

Mr. LA FOLLETTE. Mr. President, if the Senator from Georgia will yield, I will say, in response to the Senator from Nebraska, that the Senator from Wisconsin has always believed that the constituents of every Senator and every Representative were entitled to know how their Representative voted, and the Senator from Wisconsin placed the roll call in the RECORD so that the constituents of Senators could ascertain how it happened that this amendment carried 74 to 8 when it was offered to the lending bill, and did not secure a two-thirds majority when it was offered to the appropriation bill.

Mr. HATCH. Mr. President, if the Senator will yield——

Mr. RUSSELL. I yield.

Mr. HATCH. I am very sorry that I provoked this discussion. It was not my intention at all. I am one of the Senators who have perhaps been placed in an inconsistent position by the roll call inserted in the RECORD by the Senator from Wisconsin. I voted for the amendment on the previous occasion. I voted against it today, that is, in a measure voted against it, by voting against the motion made by the Senator from Wisconsin.

I am perfectly willing to explain to my constituents the votes, and am perfectly willing that the roll call on this or any other vote which I may cast be inserted in the RECORD, or published in the newspapers at any time.

Mr. BYRNES. Mr. President, if the Senator from Georgia will yield, the Senator from New Mexico has expressed my view, and does the Senator know of any other Senator on this side of the aisle who objects to the printing of the record? Certainly I do not. I am delighted that the Senator from Wisconsin placed the roll call in the RECORD. I have not heard anyone objecting.

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

Mr. RUSSELL. I yield.

Mr. BURKE. I would have to say that I objected to the unanimous-consent request, not because I had any objection to having blazoned across the prairies of Nebraska how I voted on both of these matters, but because it seemed to me that the implication contained in the request was a very unfair one, very unusual coming from the Senator from Wisconsin. I did not like it, and I objected to the unanimous-consent request. The Senator then proceeded, as he had a perfect right to do, to read the matter into the RECORD. I would feel about the matter just the same as if, when we come to vote soon on a new appropriation for the Civil Liberties Committee, I were then to say, "I ask at this particular point to have inserted in the RECORD the solemn promise made by the senior Senator from Wisconsin that he would ask for no further funds for this investigation." I would not do that in that connection, because it would seem to me to carry an unfair implication.

That was the reason why I objected to the unanimous-consent request. Beyond that, I have no objection whatever. I think it is a very good thing that the record vote appears in the RECORD. I think that if the Senator from Wisconsin had gone a little further, and had explained at that point that the two votes came under totally different circumstances, matters which would not be easily understood by the ordinary citizen; that in one case the Senate was voting on the matter on its merits, and in the other case, which he insisted upon calling to their attention, that the vote came up in a totally different way, with other implications and many other things involved, there could have been no objection to it at all.

Mr. LA FOLLETTE. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. LA FOLLETTE. I wish to say that, so far as the statement which the Senator from Wisconsin made when the last appropriation was provided for the Senate committee under Resolution 266 is concerned, I personally placed that statement in the RECORD when the matter was under discussion here, and when it comes up again I intend to place it in the RECORD a second time, and each Senator can make whatever explanation he desires. I think that the constituents of Senators are entitled to their records, and if other Senators think otherwise, they are entitled to that privilege.

MATO, MILJENKO, BOZO, AND AUGUSTIN CIBILIC—CONFERENCE REPORT

Mr. RUSSELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 796) for the relief of Mato, Miljenko, Bozo, and Augustin Cibilic, or Zibilich, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1 and 2.

RICHARD B. RUSSELL,
FRANCIS T. MALONEY,
HIRAM W. JOHNSON,
WILLIAM H. KING,
Managers on the part of the Senate.

SAMUEL DICKSTEIN,
WM. T. SCHULTE,
N. M. MASON,
Managers on the part of the House.

The report was agreed to.

EMIL FRIEDRICH DISCHLEIT—CONFERENCE REPORT

Mr. RUSSELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of the bill (S. 1269) for the relief of Emil Friedrich Dischleit, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1 and 2

RICHARD B. RUSSELL,
FRANCIS T. MALONEY,
HIRAM W. JOHNSON,
WILLIAM H. KING,
Managers on the part of the Senate.

SAMUEL DICKSTEIN,
WM. T. SCHULTE,
N. M. MASON,
Managers on the part of the House.

The report was agreed to.

KONSTANTINOS DIONYSIOU ANTIOHOS (GUS PAPPAS)—CONFERENCE REPORT

Mr. RUSSELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1538) for the relief of Konstantinos Dionysiou Antiohos (or Gus Pappas), having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments.

RICHARD B. RUSSELL,
FRANCIS T. MALONEY,
HIRAM W. JOHNSON,
WILLIAM H. KING,
Managers on the part of the Senate.

SAMUEL DICKSTEIN,
WM. T. SCHULTE,
N. M. MASON,
Managers on the part of the House.

The report was agreed to.

MRS. PACIOS PIJUAN—CONFERENCE REPORT

Mr. RUSSELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1654) for the relief of Mrs. Pacios Pijuan, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows.

That the House recede from its amendment.

RICHARD B. RUSSELL,
FRANCIS T. MALONEY,
WILLIAM H. KING,
Managers on the part of the Senate.

SAMUEL DICKSTEIN,
WM. T. SCHULTE,
N. M. MASON,
Managers on the part of the House.

The report was agreed to.

DAUMIT TANNAUS SALEAH (DAVE THOMAS)—CONFERENCE REPORT

Mr. RUSSELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1911) for the relief of Daumit Tannaus Saleah (Dave Thomas), having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

RICHARD B. RUSSELL,
FRANCIS T. MALONEY,
HIRAM W. JOHNSON,
WILLIAM H. KING,
Managers on the part of the Senate.

SAMUEL DICKSTEIN,
WM. T. SCHULTE,
N. M. MASON,
Managers on the part of the House.

The report was agreed to.

THIRD DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 7462) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1939, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1939, and June 30, 1940, and for other purposes.

Mr. RUSSELL. Mr. President, I desire to make a very brief statement on the pending amendment offered by the Senator from Florida [Mr. PEPPER]. The subcommittee which has handled the bill, as every Senator knows, has been working under very great pressure. There were pending before the committee Budget estimates in excess of $250,000,000, broken down into hundreds of items, and all of those were considered in connection with the House bill which appropriated only approximately $53,000,000.

When I came to the floor of the Senate today the Senator from Florida asked me as to what had been done with this specific item, and for the time being I could not recall it. It had slipped my mind. I did not think that the full amount had been allowed, but that the Senate committee had allowed some increase. Later I refreshed my recollection. The amendment was not agreed to by the Senate committee. I therefore moved that the amount be increased by one-half of the amount that was sought by the Senator from Utah, and the Senator from Florida and the officials of the Wage and Hour Division. I understand this morning on the floor a statement was made that the entire amount had been allowed.

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

Mr. RUSSELL. I yield.

Mr. PEPPER. Does the Senator have any objection to the increase?

Mr. RUSSELL. I merely rose and secured recognition before the question of the consistency of Senators became involved in the discussion. I think it is always out of order to indulge in debate upon the question whether any Senator ever was or should be consistent on all measures. So I arose to join in the request that the matter be taken to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. PEPPER] to the committee amendment, on page 38, line 25.

Mr. LODGE. Mr. President, I should like to ask the Senator from Florida whether I am correct in my understanding that these three amendments can be regarded as a unit, and

that their purpose is to restore the Budget estimate and give the Wage and Hour Division what it requested for the adequate and efficient enforcement of the law.

Mr. PEPPER. The Senator is correct in his understanding. All this money is for the purpose of enforcement of the wage and hour law.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida to the committee amendment on page 38, line 25.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Florida to the committee amendment on page 39, line 19.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida [Mr. PEPPER] to the committee amendment on page 40, line 19.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BARKLEY. Mr. President, I wish to make an inquiry of the Senator from Colorado. The President made a recommendation of $69,000 for the Securities and Exchange Commission in order to carry out the duties imposed upon it by the Trust Indenture Act, which became a law on the 21st day of July. I have here some information with reference to that matter. I understand the committee did not grant the full amount, but did grant a part of it. Will the Senator explain that situation?

Mr. ADAMS. The committee considered it. The problem was to make preparation for the date when the bill goes into effect. The Trust Indenture Act, of which the majority leader was the author, does not go into effect for some months.

Mr. BARKLEY. About February 1.

Mr. ADAMS. About February 1. And we were told by Mr. Jerome Frank of the Securities and Exchange Commission that certain studies should be made of trust indentures, and certain forms prepared, so they would be in position to operate when the law goes into effect. The Commission thought that with $25,000 they could obtain a sufficient amount of legal help, together with their regular staff, to do that. Part of the regular staff drew the bill, or at least were very active in connection with it.

Mr. BARKLEY. Did the committee take into consideration that there would probably have to be some personnel trained for that particular work between now and the 1st of February? In addition to the printing of forms, and things of that sort, there will be special qualifications required of those who are to enforce the trust-indenture law, which, as the Senator knows, is very complicated and difficult to understand.

Mr. ADAMS. We had a rather full statement from Mr. Jerome Frank, and we feel that the amount would be adequate when the Commission's regular staff is considered. The Securities and Exchange Commission has rather liberal appropriations, and has a large legal staff, and we believed it could accomplish the purpose. We had in mind, I will say to the Senator, that the House rejected the request entirely, and we thought we would be more apt to accomplish what was desired if we were reasonable in our appropriation.

Mr. BARKLEY. I have no purpose to change the figure now. The amendment has already been agreed to. But I hope that when this matter goes to conference the Senate conferees will endeavor to retain that amount, because I think it is necessary.

Mr. ADAMS. We will make every effort to do so.

Mr. BARKLEY. Whether it is a sufficient amount, I cannot say.

Mr. ADAMS. I think there is adequate cause to justify its retention.

The PRESIDING OFFICER. The bill is still before the Senate and open to further amendment.

Mr. MEAD. I offer an amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. It is proposed to insert at the end of the bill a section, as follows:

PUBLIC BUILDINGS ADMINISTRATION

CONSTRUCTION OF PUBLIC BUILDINGS, ACT AUGUST 25, 1937

Construction of public buildings outside the District of Columbia: The total amount authorized to be appropriated for the 3-year program for the acquisition of sites and construction of public buildings by the paragraph under the caption "Emergency construction of public buildings outside the District of Columbia," contained in the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937 (50 Stat. 772), and increased by the Federal Public Buildings Appropriation Act of 1938, approved June 21, 1938, is hereby further increased from $130,000,000 to $180,000,000, and the period of said program is hereby extended to 5 years. All applicable provisions and authority contained in such authorizations shall be operative with respect to the enlarged authorization provided herein except that the Federal Works Administrator shall be substituted for the Secretary of the Treasury where mentioned therein, and that the list from which projects are to be selected by the Postmaster General and the Federal Works Administrator, acting jointly, shall be House Document No. 177, Seventy-sixth Congress, first session, dated February 20, 1939: *Provided*, That the Federal Works Administrator and the Postmaster General may also select for prosecution under this program such projects not included in such document as in their judgment are economically sound and advantageous to the public service. Toward such increased program there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000. The appropriations heretofore made under the authority of such acts, together with the appropriation contained herein, shall be consolidated into a single fund and be available toward the consummation of the entire authorized program (52 Stat. 818; 53 Stat. 672).

Mr. MEAD. Mr. President, this amendment, I am informed by the proper authorities, is in order on the bill and will not require a two-thirds vote.

The amendment extends from 3 to 5 years the period of time during which the public-building program will be in order. It increases from $130,000,000 to $180,000,000 the authorization for funds which may be made in the future by the appropriate committee for the carrying forward of this program. It now merely appropriates $1,000,000, so far as this bill is concerned, for this program. Early in the session, in keeping with established custom, the Post Office Department submitted the regular request to the Appropriations Committee of the House, and for the first time in a number of years the deficiency bill came over to the Senate without carrying within the bill provision for the carrying on of this program.

The program is a popular one. It is an economical program. It is a program that has enhanced the efficiency of the Postal Service. It has given ample room and facility all over the United States, not only for the post-office service but for all the other services that are housed in Federal buildings.

Some few years ago when the program was initiated there were contained in the entire program some 760 projects, located in cities where the postal receipts were in excess of $10,000 per annum.

So far 250 of those public-building projects are either finished or are on the way to completion. In 460 cases the plans and specifications have been completed, and arrangements for the construction of the buildings consummated. Only 50 of the buildings are awaiting the selection of sites.

It is a popular program, I say, because it embraces every congressional district in the United States, and because it has resulted in an annual saving in rental of upward of $3,000,000 in the conduct of the postal service. It has resulted in better facilities for this important agency of Government. Never once in all the history of this program has there been a word of criticism of it. In no single instance that I recall have the men in charge of the prosecution of the program been criticized. On the other hand, every Member of the Senate will agree with me when I say that the men who had the handling of the program discharged their duty in an exemplary manner, so as to win the acclaim of the country and the confidence of the Congress.

I am sure that everyone within range of my voice knows the Honorable Smith W. Purdum, the Fourth Assistant Postmaster General, who with Admiral Peoples and Mr. Reynolds of the Procurement Division have had the duty and the authority and the responsibility to carry forward this program.

I know that every Senator will agree that whenever a new building was constructed in his district or in his State, it met with popular acclaim. A spirit of pride could be found in the hearts of the people when such a building was completed and the American flag was raised over it. It was a project which I know won for the Representative and the Senator, who had much to do with making the program and the project a possibility, the approval of the people.

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

Mr. MEAD. I yield.

Mr. McKELLAR. I wish to express my very cordial approval of all the distinguished Senator from New York has said concerning this program and concerning the splendid manner in which it has been conducted by the Post Office Department. It has done a wonderful job. I think it has not only resulted in better housing of the great postal activities of the Government, but it has resulted in a more economical administration of the post-office affairs especially.

I may say to the Senator that I presented the matter to the committee this morning, and my recollection is that it was defeated by a tie vote. The vote in the committee was very close, if it was not a tie vote.

Notwithstanding the action of the committee, inasmuch as I am a member of the committee and also chairman of the Committee on Post Offices and Post Roads, I think it is proper for me to say that I intend to vote for the Senator's amendment because I believe he has described a wonderful program, and I believe it is to the best interests of the people of America that the program be completed. I am thoroughly in sympathy with the amendment and expect to vote for it.

Mr. MEAD. Mr. President, I appreciate the splendid contribution made by the able Senator from Tennessee. I know that he is thoroughly familiar with the program, because as chairman of the Committee on Post Offices and Post Roads he is very close to it.

He knows the good work that is being accomplished. I am willing to rest my case on the arguments which have been advanced in favor of the amendment by the Senator from Tennessee; and I trust that the capable chairman of the subcommittee [Mr. ADAMS] and all the other members of the committee who handled this matter will permit the amendment to go to conference.

Mr. ADAMS. Mr. President, this matter was before the committee, and the committee decided it was not an appropriate time to make an increase in prospective building appropriations of $50,000,000. We increased the amount of the deficiency bill over the amount which came from the House, from $53,000,000 to $130,000,000; and it seemed to a decided majority of the committee that the proposal ought not to be accepted.

I wish to say something in reply to one of the first comments made by the Senator from New York, to the effect, in substance, that the amendment is not subject to a point of order. As I read the amendment it is an amendment of a statute; and I should like to inquire of the Chair as to whether or not it is legislation.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The present occupant of the Chair would prefer not to rule on a hypothetical question.

Mr. ADAMS. This is not a hypothetical question. A definite amendment is submitted.

The PRESIDING OFFICER. Is the Chair to understand that the Senator is making a point of order against it?

Mr. ADAMS. Yes. I suggest the point of order. I was really asking for the advice of the more skilled presiding officer, who has the advice of the Parliamentarian available to him.

Mr. HAYDEN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. HAYDEN. I understand that under the rules of the Senate a proposal must either be authorized by law or submitted in a Budget estimate. I am sure the chairman of the subcommittee will agree with me that this item is covered by a Budget estimate.

Mr. McKELLAR. I am quite sure it is.

Mr. MEAD. I have a copy of the Budget estimate before me if the Chair desires to see it.

Mr. ADAMS. I am inquiring on the phase of legislation.

The PRESIDING OFFICER. It is the opinion of the present occupant of the Chair that the amendment as now drawn contains legislation, because it amends existing law. Even a Budget estimate would not justify the amendment of existing law. In the opinion of the present occupant of the Chair the amendment could be remedied by eliminating from it the substantive legislation which it contains.

Mr. MEAD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MEAD. If I understand the suggestion proffered by the Chair, the removal of reference to the statutes which have heretofore carried the authorization would make the amendment in order.

The PRESIDING OFFICER. In the opinion of the present occupant of the chair, who has read the amendment only hastily, there is legislation contained in it. For example:

> All applicable provisions and authority contained in such authorization shall be operative with respect to the enlarged authorization provided herein, except that the Federal Works Administrator shall be substituted for the Secretary of the Treasury where mentioned therein.

Obviously that is an amendment of existing law, and, therefore, in the opinion of the present occupant of the chair, would make the amendment subject to a point of order in case the point were made that it is legislation on an appropriation bill.

Mr. ADAMS. Mr. President, I desire to make the point of order that there is legislation in the amendment.

The PRESIDING OFFICER. The Chair feels constrained to sustain the point of order.

Mr. MEAD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MEAD. In view of the fact that there is a Budget estimate at the desk, I am wondering if that has any bearing upon decisions of this character?

The PRESIDING OFFICER. In the opinion of the present occupant of the chair, under rule XVI, if a Budget estimate is submitted, obviously there must be legal authorization for it. The present occupant of the chair is of the opinion that anyone reading the amendment would find general legislation in it.

Mr. MEAD. Mr. President, under the circumstances I ask for a vote.

The PRESIDING OFFICER. Does the Senator appeal from the decision of the Chair?

Mr. MEAD. No; but as I understand——

The PRESIDING OFFICER. The Chair will state that the Senator from Colorado [Mr. ADAMS] made a point of order that the amendment contained general legislation. The Chair sustained the point of order. Two courses are open to the Senator from New York. One is to appeal from the decision of the Chair. The other is to revise his amendment so as to eliminate the legislative provisions therein and conform to the Budget recommendation.

Mr. MEAD. Mr. President, I shall not appeal from the decision of the Chair. What I had in mind was to ask for a vote to make the amendment in order; but I shall take the second suggestion of the Chair, and attempt to revise the amendment.

The PRESIDING OFFICER. If the Senator will offer an amendment in conformity with the Budget estimate, obviously it will not be subject to a point of order.

Mr. MEAD. I shall withdraw the amendment temporarily.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. SHEPPARD. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 53, line 25, after the word "thereto" and the period, it is proposed to insert a new section under the head of "Finance Department", to read as follows:

FINANCE DEPARTMENT

Pay of the Army, 1939: Not to exceed $60,000 of the unexpended balance of the appropriation under this head in the Military Appropriation Act, 1939, is hereby made available until June 30, 1940, for the construction and installation of a sewage treatment plant on Fort Niagara Military Reservation, N. Y., as authorized by the act of June 20, 1939 (Public, No. 136, 76th Cong.).

Mr. SHEPPARD. Mr. President, this amendment is supported by a Budget message. It carries out existing law and utilizes the fund now in the possession of the War Department.

The reason for the need of the measure at this time is that if the Government should erect a sewage-disposal plant, at present the adjoining city of Youngstown would make use of the plant and thereby furnish the Government a substantial source of revenue. If the Government should not build it now, the city of Youngstown must go ahead and build its own plant, and the War Department must later of necessity erect its own plant, and the Government would lose the opportunity for revenue. I ask the Senator from Colorado [Mr. ADAMS] if he will not accept the amendment and let it go to conference.

Mr. ADAMS. Mr. President, I cannot do so. The matter was submitted to the committee, and the committee rejected the amendment. The committee did not feel that the Government should undertake this particular enterprise, which is apparently a combination enterprise between the Federal Government and the city. While there might be some saving involved, the amendment contemplates a partnership between the Government and the city, the War Department building a sewage-disposal plant adequate not only for itself but for the city. We were not satisfied that it was the wise thing to do.

Mr. SHEPPARD. I will say that there is no partnership beyond the erection by the city of a pipe line across the reservation to the plant.

Mr. ADAMS. And a rental.

Mr. SHEPPARD. The same machinery would supply the Government's necessities as well as those of the city. It is really a measure in the immediate interest of the Government.

Mr. ADAMS. The Senator said there would have to be a contract to insure the income.

Mr. SHEPPARD. No. The law now in existence authorizes this arrangement. The amendment would merely carry out existing law.

Mr. ADAMS. We doubted the wisdom of the project.

Mr. SHEPPARD. I trust the Senate will adopt the amendment. It means a substantial saving.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas [Mr. SHEPPARD].

The amendment was agreed to.

Mr. PEPPER. Mr. President, I have on the desk at this time notice which was properly given of a motion to suspend the rules so as to permit the addition to the bill of an amendment which would cure a very grave injustice which was done in the Emergency Relief Appropriation Act of 1939, namely, to forbid any theater project from being a part of the Work Projects Administration program.

I shall not go into that matter extensively, Mr. President, except to call the attention of the Senate to a statement to which I referred when the matter was last being considered. The statement was made by Lieutenant McGilicuddy, of the Juvenile Aid Bureau of the Crime Prevention Bureau of the New York City police department. In that splendid statement this man, who is interested in the youth of the city of New York and of America, pointed out the very great contribution which the Federal theater project was making in the edification and instruction of the youth of that great city. He deplored any eventuality which might deprive the youth of this country of that very effective and advantageous instrumentality.

In addition, I have two or three statements from eminent school authorities of the country to the same effect. One authority, Mary P. Eaton, of the English department of Wadleigh High School, states as follows:

> Our students counted it a real privilege to see Macbeth at an admission price which was possible for them, and they were genuinely enthusiastic about the entire performance. * * * We were gratified over the appreciation which was shown by students of all ability levels, from the ablest and brightest down to those whose interest in a great classic was scarcely to be expected. * * * I am happy to write of similar satisfaction with regard to the recent performance of She Stoops to Conquer.

Another high-school department sends in the following testimony:

> The performances that the Federal theater has given in this school have not only been much enjoyed by the pupils, but * * * have added greatly to their appreciation of the drama. It has been a remarkable opportunity for them to see such good plays so adequately produced at such a low rate.

That statement was from the English department of a girls' commercial high school.

I also have before me a very strong testimonial in behalf of the virtue of the theater project by Dr. James S. Green, of the National Hospital for Speech Disorders, of 126 East Thirtieth Street, New York City, in which the doctor points out the great aid which was given by the Federal theater project to the work which his institution was carrying on. He, too, expressed the most earnest hope that nothing should ever occur to impair the effective instrumentality of the theater project.

I happen also to have a statement of Colonel Harrington, the Work Projects Administrator, stating that 2,500 persons who had been employed upon the Federal theater project had given such an excellent example of their ability that they were absorbed in private enterprise. So that these people had not only been cared for when they had no chance to work otherwise in their chosen profession, but they had been rehabilitated, and through the Federal theater they found the avenue to reenter the stage, which was their life vocation, in a creditable private way.

I have a statement which indicates that the governments of five European countries sent representatives to this country to study the Federal theater project. Brazil, after a thorough study of the Federal theater project, created its own national theater and used the Federal theater project as a model. Can you imagine the amazement with which these visitors received the news that the present Congress, in the face of the Federal theater project's record of achievement, voted to wipe it cut completely?

In the past 3 years two small units of the Federal theater traveled 50,000 miles through the most remote sections of one of the States of this country, giving performances to 250,000 children and adults who never before had had an opportunity to experience the thrill of the theater. These loyal American theater workers traveled in trucks on back country roads tirelessly and loyally to bring to the lives of these people a few moments of the theater's beauty and romance, and they traveled without any allowance either for mileage or for expenses. The recognition, Mr. President, which the American Congress has given to that kind of sacrificial devotion to public duty has been to castigate them, of all people who are engaged in artistic pursuits, as not being deserving of the consideration of the Federal Government.

A program of summer activities of the W. P. A. Federal theater was announced before the enactment of the prohibition against its existence by the Congress, in which were listed for performance some of the most eminent dramatic

pieces of all the literature of the world, such as the performance which has been given down in North Carolina, The Lost Colony; such as Sand in Your Shoes, a dramatization of Florida's history from the landing of De Soto; and then A Drama Festival, in conjunction with the University of Chicago summer session, presenting two ballets, City Legend and Camp Meetin'; a Shakespeare comedy, As You Like It; and a revival of The Swing Mikado in the locality where it made its first hit.

It might be interesting to observe statements from some of the critics relative to the excellence of the Federal theater program.

John Gassner, Forum drama critic, had this to say:

There is no question but that the Federal theater has represented the greatest advance in the American theater since the early days of the Provincetown Theater and the Theater Guild. By making a low-priced theater available to the American people it has galvanized theatrical activities throughout the country. By providing an outlt to the plenitude of talent in our midst it has rendered a distinct service to the many artists who would otherwise have knocked in vain at the gates of the commercial stage. By producing plays of distinction and significance it has counteracted the poisonous trash which goes under the name of entertainment.

Another statement by Alfred Harding, editor of Equity Magazine:

For two and a half years we have been witnessing the progress of an experiment in the theater unlike anything we have ever tried before—the Federal theater project of the Works Progress Administration.

We have watched what it has done for the people employed upon it; have seen it put new life and hope and heart into them; have seen it afford new scope to creative faculties which we believe are too precious to be dissipated in the general turmoil of a protracted depression.

And we have also watched its effect upon the lives of a great many other people who had never previously known the theater, who, in the ordinary course of events, would never have known it, who are too poor to go to the commercial theater, or even to go to the neighborhood picture theater, to own a radio, or buy books and magazines and papers. That it should have given birth to the one real innovation of the stage in years, namely, the living newspaper, a form packed with valuable material that should be made available to every self-respecting citizen, and with native American humor that has hitherto served, for the most part, only the most menial uses in cheap comedies.

Again, Frank Gillmore, international president, Associated Actors and Artists of America, says:

The Federal theater project has meant a great deal to the profession of acting. It has enabled the players to bridge over many years of depression, and has given them—which is far more important—the opportunity to practice their art and to keep it at its highest point, so that when they return to the commercial theater they will in many cases be far more skillful than they were before.

I desire to read two or three newspaper comments. This is from the Oregonian, Portland, Oreg.:

As W. P. A. activities go, these [art projects] have been among the best. They merely happen to be articulate, to come under the public eye and ear. And so they have accumulated enemies who have now arranged for vengeance. The committee should have shown a little backbone. The members know well enough that the charges of radicalism are in general poppycock.

A statement from the mayor of Cleveland, Ohio:

It would be a great loss to the children of Cleveland if this project were not continued.

Another statement from the Buffalo Evening News, of Buffalo, N. Y.:

For the past several years the Buffalo division of the Federal theater has faithfully served the Americanism program of the Erie County American Legion: Therefore be it

Resolved, That the Erie County Committee of the American Legion in convention assembled earnestly petitions its congressional representatives, requesting them to favor legislation relative to the continuance of this splendid Americanism project.

Mr. President, that was a resolution by the American Legion Post, of Buffalo, N. Y. Those who castigate the Federal theater program as having been an agency infected with communistic tendencies have castigated the loyal, patriotic Americans of this country who patronized and supported with their money and their time and effort the theater program as it has been conducted all over this great country.

Mr. President, what have we done in recognition of the virtue of this performance? We have forbidden the W. P. A. to make any contribution whatever to the Federal theater program. We have not forbidden the musicians to get the benefit of the program. We have not forbidden the artists to get some benefit from it. We have not forbidden other segments of the cultural arts to have a chance to get a job under the W. P. A. when they did not have one otherwise, when a project was properly sponsored by local authority.

Under the law as it existed prior to the Emergency Relief Appropriation Act of 1939, the W. P. A. could sponsor a project wholly upon its own initiative without any contribution from the local government. Under the Emergency Relief Appropriation Act of 1939 this can no longer be done. Art projects have to be sponsored by political subdivisions and public agencies, just as building and construction projects have to be sponsored. They are in no different category with respect to the requirements of sponsorship from all projects which are available for W. P. A. aid.

Mr. President, if that is the rule, if that is the law of the matter, is it fair to say to the theater project, "You are the only one of the arts which cannot be sponsored by local authority, and cannot be the recipient of W. P. A. aid"?

I know that Senators know from numerous experiences which have come to their attention in the most eloquent way that there has never been a distress that afflicted the public, there has never been a great catastrophe that has afflicted the people, but that the artists upon the stage of America have come forward and offered their services in benefit performances more generously, I believe, than any other class of the people, in an effort to render aid to those who were in need. I know it is not the sentiment of the American people that the 7,000 artists who were upon this program should be considered so unworthy that when they cannot get jobs otherwise they may not appeal to the W. P. A., and, if their project is properly sponsored by a political subdivision, as all other projects must be, then be the recipients of some help from the funds made available to the Works Progress Administration to give the jobless of America a chance to work like honorable, self-respecting American citizens.

Therefore, Mr. President, all we have to do to remove that injustice is to strike out subdivision (a) of section 15 of the Emergency Relief Appropriation Act of 1939. The amendment does not affect any other part of the bill. No other subject could be related to it, I think, in such a way as to be the subject of an amendment at this time to this bill. So all we have to vote on, if the motion to suspend the rule is granted, is whether or not we want to remove the prohibition that is now in the law from the theatrical people of America, and put them upon an equality with the other artists of the United States who do not have private jobs and who apply to the W. P. A. for relief.

SEVERAL SENATORS. Vote! Vote!

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

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). The clerk will call the roll.

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

Adams	George	Lundeen	Sheppard
Ashurst	Gerry	McKellar	Shipstead
Austin	Guffey	Mead	Smith
Bailey	Gurney	Miller	Stewart
Bankhead	Hale	Minton	Taft
Barkley	Harrison	Murray	Thomas, Okla.
Bulow	Hatch	Neely	Thomas, Utah
Burke	Hayden	Nye	Townsend
Byrd	Herring	O'Mahoney	Truman
Byrnes	Johnson, Calif.	Pepper	Vandenberg
Capper	Johnson, Colo.	Pittman	Wagner
Chavez	King	Radcliffe	Walsh
Clark, Mo.	La Follette	Reed	Wheeler
Connally	Lee	Russell	White
Davis	Lodge	Schwartz	
Ellender	Lucas	Schwellenbach	

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

Mr. ADAMS. Mr. President, we have before us another motion to suspend the rules. If the rules are suspended, the same opportunity will be afforded which the Senate has shown itself unwilling to have extended heretofore. The theater project is one with which some of us had sympathy. It was eliminated as a result of the attitude of the House of Representatives, and, following the conference, the Senate receded.

I think it very unwise to set ourselves up as a court of review to endeavor to reverse the decisions made at previous times, regardless of whether we were right or wrong, as a practical matter. I have had many dealings with conference committees of the other body, and I have never seen a conference committee so set, so determined, so unanimous, as the House conferees were in their opposition to the theater project. I think we would be utterly helpless, and it would simply be a means of providing a reason for staying in Washington some time if we put this amendment in the bill.

Mr. HAYDEN. Mr. President, what the Senator from Colorado has referred to is a practical matter. If there was one thing in the conference on the relief bill on which the House insisted it was the elimination of the theater project, and regardless of the merits of the proposal, if the Senate wants to be here a long time, it should adopt this amendment.

Mr. WAGNER. Mr. President, is it not a fact that the question in the conference was somewhat different from the amendment offered by the Senator from Florida? As I understand the amendment, he merely asks that the theater projects which may be undertaken by the W. P. A. shall be subject to all the conditions to which every other project which may be undertaken is subject, namely, that it must be sponsored locally, and there must be a 25 percent contribution by the locality before it can be undertaken. The amendment which the conferees rejected provided for a certain sum to be used for purely Federal projects, and that the theaters might be operated without the requirement of 25 percent contribution by the localities.

Mr. HAYDEN. The Senator is mistaken. It was the firm determination of the House utterly, completely to eliminate the theater projects under any and all conditions.

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

Mr. HAYDEN. I yield to the Senator.

Mr. BYRNES. I should like to say that when the unemployment committtee made a recommendation with reference to this matter, we recommended the proposal to which the Senator from New York now refers, that the theater project and all other art projects should be put on the basis of all the projects of W. P. A. requiring the contribution of a sponsor. The Senate adopted the proposal when we originally acted upon the W. P. A. bill.

When we went to conference I spent about 3 hours trying to sustain the Senate's position, in which I believed, and in which the Senator from New York believed. I know of no more hopeless fight, because the House of Representatives, through its conferees were determined to sacrifice everything else in the bill rather than agree to this project.

The next morning I went over to the House of Representatives when it was considering the conference report, and the chairman of the subcommittee of the House conferees, the gentleman from Virginia [Mr. WOODRUM], presented to the House the agreement, and when he referred to the theater project he received more applause than he received at any other point in his statement when he assured them that he had succeeded in destroying it.

Their position is that theater buildings in some of the cities have been rented and have been used for rehearsals, that the owners of some theaters have been bailed out at great expense to the taxpayers, and that there is no good reason for continuing the project. Their position was that they feared, that notwithstanding the language of the Senate amendment, which I approved, ways would be found by the United States Government to put up the sponsor's contributions, because the sponsor's contribution was not required in cash, it could be put up in services and materials. They believed that the Department would find some way of getting around the law. We made as good a fight as we ever did for any measure and could not succeed, and I have no hope that we could succeed again.

Mr. McKELLAR. We had no chance in the world.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The Senate will please be in order. The Senator from Arizona has the floor.

Mr. WAGNER. Mr. President, in spite of the impatience, I am going to ask the Senator from Arizona to yield for just one further question.

Mr. HAYDEN. I yield.

Mr. WAGNER. Irrespective of the attitude of the House toward the theater project generally, am I correct in stating that the present proposal of the Senator from Florida is not the amendment which was considered by the conference when it met? It so happened that I offered the amendment to continue the Theater Project by providing three-fourths of 1 percent out of the total appropriation to be used for Federal projects, thus giving the W. P. A. an opportunity to continue in a very limited way the theater project without any requirement of sponsorship or local contribution.

Mr. HAYDEN. The Senator is correct as to what was taken to conference. But this identical proposal was argued by the hour in conference. The Senate conferees urged that the project be treated the same as any other project, but we found the House conferees practically adamant, and it was impossible to get anywhere. I think it is due to the Senate to say that it would mean long delay in the final enactment of the bill if this amendment were adopted.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The Chair desires to make a statement. There is nothing before the Senate at the moment upon which to vote, therefore the Chair cannot respond to the cries of "Vote."

Mr. NEELY. Then I demand the regular order.

The PRESIDING OFFICER. The regular order is that the bill is open to amendment.

Mr. PEPPER. Mr. President, I made a motion, I thought, to suspend the rule so as to permit the offering of this amendment.

The PRESIDING OFFICER. The Senator from Florida made the statement, if the Chair understood him, that he had such a motion, but he did not make it. Does the Senator from Florida desire to make the motion?

Mr. PEPPER. I move to suspend the rule, in accordance with the notice which is on the desk, so as to permit the offering of the amendment which is included in the notice, namely, to strike out subdivision (a) of section 25 of the Emergency Relief Appropriation Act of 1939.

The PRESIDING OFFICER. The question is on the motion of the Senator from Florida [Mr. PEPPER] to suspend paragraph 4 of rule XVI.

Mr. PEPPER and other Senators demanded the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. DAVIS (when his name was called). I have a pair with the junior Senator from Kentucky [Mr. LOGAN]. Not knowing how he would vote, I withhold my vote.

Mr. SHIPSTEAD (when his name was called). I have a pair with the senior Senator from Virginia [Mr. GLASS]. I am informed that if present he would vote as I shall vote. I vote "nay."

Mr. STEWART (when his name was called). I have a pair with the Senator from Oregon [Mr. HOLMAN]. I transfer that pair to the Senator from New Jersey [Mr. SMATHERS] and will vote. I vote "nay."

The roll call was concluded.

Mr. AUSTIN. I announce the following general pairs:

The Senator from Oregon [Mr. McNARY] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Wisconsin [Mr. WILEY] with the Senator from Rhode Island [Mr. GREEN];

The Senator from New Jersey [Mr. BARBOUR] with the Senator from Nevada [Mr. MCCARRAN];

The Senator from Vermont [Mr. GIBSON] with the Senator from Indiana [Mr. VAN NUYS].

The Senator from New Hampshire [Mr. TOBEY] would vote "nay" if present. He is paired with the Senator from Michigan [Mr. BROWN] and the Senator from Connecticut [Mr. MALONEY], who if present would vote "yea."

Mr. MINTON. I announce that the Senator from Florida [Mr. ANDREWS], the Senator from Idaho [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Virginia [Mr. GLASS], the Senator from Mississippi [Mr. HARRISON], the Senator from Delaware [Mr. HUGHES], the Senator from Kentucky [Mr. LOGAN], the Senator from Nevada [Mr. MCCARRAN], the Senator from Louisiana [Mr. OVERTON], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Indiana [Mr. VAN NUYS] are unavoidably detained.

The Senator from Mississippi [Mr. BILBO], the Senator from Washington [Mr. BONE], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Iowa [Mr. GILLETTE], the Senator from Rhode Island [Mr. GREEN], the Senator from Alabama [Mr. HILL], the Senator from West Virginia [Mr. HOLT], the Senator from Illinois [Mr. SLATTERY], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Maryland [Mr. TYDINGS] are absent on important public business.

The Senator from Michigan [Mr. BROWN] and the Senator from Connecticut [Mr. MALONEY] are necessarily detained. I am advised that if present and voting, they would vote "yea."

The result was announced—yeas 18, nays 42, as follows:

YEAS—18

Ashurst	Lodge	Pepper	Thomas, Utah
Chavez	Lundeen	Schwartz	Wagner
Guffey	Mead	Schwellenbach	Walsh
La Follette	Murray	Sheppard	
Lee	Neely	Thomas, Okla.	

NAYS—42

Adams	Connally	King	Shipstead
Austin	Ellender	Lucas	Smith
Bailey	George	McKellar	Stewart
Bankhead	Gerry	Miller	Taft
Barkley	Gurney	Minton	Townsend
Bulow	Hale	Nye	Truman
Burke	Hatch	O'Mahoney	Vandenberg
Byrd	Hayden	Pittman	Wheeler
Byrnes	Herring	Radcliffe	White
Capper	Johnson, Calif.	Reed	
Clark, Mo.	Johnson, Colo.	Russell	

NOT VOTING—36

Andrews	Danaher	Harrison	Norris
Barbour	Davis	Hill	Overton
Bilbo	Donahey	Holman	Reynolds
Bone	Downey	Holt	Slattery
Borah	Frazier	Hughes	Smathers
Bridges	Gibson	Logan	Tobey
Brown	Gillette	McCarran	Tydings
Caraway	Glass	McNary	Van Nuys
Clark, Idaho	Green	Maloney	Wiley

The PRESIDING OFFICER. Two-thirds of the Senators present not voting to suspend paragraph 4 of rule XVI, the motion of the Senator from Florida is rejected.

Mr. MEAD. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

CONSTRUCTION OF PUBLIC BUILDINGS OUTSIDE THE DISTRICT OF COLUMBIA

For further carrying out the program for the acquisition of sites and construction of public buildings authorized by the paragraph under the caption Emergency Construction of Public Buildings Outside the District of Columbia, contained in the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937 (50 Stat. 772), and increased by the Federal Public Buildings Appropriation Act of 1938, approved June 21, 1938, $1,000,000.

Mr. MEAD. Mr. President, the amendment which has just been read by the Clerk does not increase the authorization for the construction of additional public buildings, nor does it extend the limit of time for the construction of these public buildings. It merely adds $1,000,000 to the funds already appropriated for the construction of public buildings already authorized.

I am informed that the Congress has authorized $70,000,000 on one occasion and $60,000,000 on another occasion, or a total of $130,000,000, but that the Congress has appropriated only $89,000,000 for that building program. This amendment therefore merely adds $1,000,000 to that already appropriated, and for which there is already ample authorization. Therefore, Mr. President, I trust that the chairman of the subcommittee and the members of the committee will permit this matter to go to conference.

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

Mr. MEAD. I yield.

Mr. BARKLEY. In addition to the elimination of the legislative matter in the Senator's former amendment, what is the difference between this amendment and the one he introduced a while ago?

Mr. MEAD. The amendment I offered a while ago increased the authorization for public buildings from $130,000,000 to $180,000,000, and it extended the period of time for the construction of these buildings from 3 years to 5 years, and it substituted the Federal Works Administrator and the Postmaster General for the Secretary of the Treasury and the Postmaster General, which is existing law.

Mr. BARKLEY. I understand what was in that amendment. Now, this amendment, I understand, increases the appropriation for public buildings by how much?

Mr. MEAD. One million dollars. It merely appropriates $1,000,000 for the continuation of this program already authorized.

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

Mr. MEAD. I yield.

Mr. BURKE. This amendment increases the appropriation by $1,000,000?

Mr. MEAD. No; it adds $1,000,000 to appropriations heretofore made prior to this session of Congress.

Mr. BURKE. Will the Senator take us into his confidence and tell us why it is important that at this time we add $1,000,000 to that amount?

Mr. MEAD. If the Senator assumes that that is taking him into my confidence, I shall be very glad to give him what information I have on the subject for what good it may develop.

The Congress of the United States authorized the Public Buildings Commission to construct public buildings under certain conditions. They have been carrying on that work, which necessitates the acquirement of sites, the issuance of bids, the drafting of specifications, the awarding of contracts, and the construction of these buildings. The Commission will require about $1,000,000 in order to carry forward their program until the next Congress assembles. It has been the practice of the Congress—a practice for which the Buildings Commission is not responsible—to have this item carried in the last deficiency bill, and in conformity with the precedents and the existing custom the Buildings Commission submitted its report and made its request to the Appropriations Committee in the House as early as February of this year. The committee, in keeping with custom, put off the consideration of that request until the deficiency bill was before it for consideration, and then decided to put it off until some later date.

This money is needed. It is needed for a program which the Congress has already authorized, and it is being presented for consideration in connection with the appropriation bill that has always been the bill to carry it.

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

Mr. MEAD. I yield.

Mr. BURKE. The Senator's explanation has completely satisfied my inquiry, and I am heartily in favor of his proposal and think it ought to be adopted.

Mr. MEAD. The Senator from New York takes great pride in making a convert to a worthy cause.

Mr. RUSSELL. The amendment merely provides continuity of plans for the post-office building program.

Mr. MEAD. Yes.

Mr. RUSSELL. And the item has the advantage of the Budget estimate which was submitted by the President and the Bureau of the Budget to the Congress for its approval.

Mr. MEAD. That is true. I appreciate the contribution of the Senator from Georgia.

Mr. BYRNES. The Budget estimate was for an increased authorization of $50,000,000 and provision for an appropriation for $1,000,000. Where is that $1,000,000 to be spent?

Mr. MEAD. For a continuation of the program already authorized by Congress, for which there has been only $89,000,000 appropriated, but for which there has been $140,000,000 authorized. In view of the fact that we do not specifically appropriate money as the Budget requests directly for an expansion of this program, it will be used for the program already authorized by the Congress. It cannot be used for any other purpose.

Mr. BYRNES. Has the Senator any information as to why this $1,000,000 is asked for when $50,000,000 is not to be appropriated?

Mr. MEAD. The $1,000,000 is necessary for a continuation of the program already authorized by Congress, which, when completed, will entail an appropriation of $130,000,000, there being only $89,000,000 of that appropriated so far, but as the program proceeds to its fulfillment there will be other appropriations called for. Only $1,000,000 is necessary to carry out the program until the next session of Congress assembles.

Mr. TAFT. I read from the House report, which refers to the $50,000,000 increased authorization as follows:

> Joined with the proposal is an estimate of $1,000,000 for defraying preliminary expenses.

Incident to the proposed expansion.

Does the Senator propose now to use this $1,000,000 for some other purpose than the purpose provided in his original amendment?

Mr. MEAD. No; the Senator does not. The language of the amendment and of the existing law clarifies that question and makes the added $1,000,000 applicable only to that portion of the program already authorized by the Congress. Of course, they could not use a dollar of the $1,000,000 contained in my amendment for a program not yet authorized. They could use it only for that portion of the program already authorized by the Congress.

Mr. TAFT. However, they did not ask for anything to carry out the program. There was no such request. As I understand, the Budget estimate is for $1,000,000 for the new program.

Mr. MEAD. Yes; but the Senator will readily realize that the program already authorized, entailing a cost eventually of $130,000,000, for which there has been appropriated only $89,000,000, will of necessity, as it is being carried out, require further appropriations. This appropriation would be used until the next session of Congress in prosecuting the program now under way.

Mr. TAFT. But there is no evidence in the hearings that any money is needed to carry out the existing program until next July. They have sufficient money, as I understand, to run the present set-up until next July.

Mr. MEAD. I will say to the Senator that in conference with one of the representatives of the Building Commission I am told that $1,000,000 will be adequate to carry them until the next session of Congress. The hearings from which the Senator is reading are the hearings in which the Building Commission appeared before the House committee and recommended that the House committee increase and expand the program. I tried to do that, but the amendment was ruled out of order, so I am merely suggesting the appropriation of $1,000,000 for the continuance of the present program until the next session of Congress, when the whole matter will be referred to the proper legislative committee; and after the legislative committee acts we shall know——

Mr. TAFT. But the Building Commission is not asking for $1,000,000 to carry on the present program. It has an existing force. It is prepared to carry on the present program. The $1,000,000 was asked for only in connection with an expansion, which the Senator has now abandoned. So I do not see why we should appropriate $1,000,000.

Mr. MEAD. I will repeat that I am told by a representative of the Building Commission that it needs $1,000,000 to carry on the existing program until the next session of Congress.

Mr. TAFT. I can only say that they did not so testify before the House committee.

Mr. MEAD. I will say that they were testifying before the House committee on a different subject.

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

Mr. MEAD. I shall be glad to yield.

Mr. MILLER. Suppose the Congress should not make any additional appropriation for the construction of any more buildings under the authorized program. Would the $1,000,000 be needed?

Mr. MEAD. Oh, yes. Not only would the $1,000,000 be needed, but $40,000,000 would be needed before it was completed.

Mr. MILLER. Suppose the Congress should not make any further appropriations under the authorized program—in other words, should not authorize the construction of any new buildings under the authorized program. Would the $1,000,000 then be needed?

Mr. MEAD. The $1,000,000 would be needed for the completion of the projects under way.

Mr. MILLER. The projects now under way?

Mr. MEAD. And for the acquirement of sites for which plans have been drawn.

Mr. MILLER. And for which money has been appropriated?

Mr. MEAD. No; the money has not been appropriated.

Mr. MILLER. That is the point I am making.

Mr. MEAD. We are making the appropriation, but the authorization has already been made.

Mr. MILLER. I know the authorization has been made; but the point I was getting at was this: Unless the Congress should appropriate money to erect the buildings, the $1,000,000 would not be needed. Assuming that the Congress makes future appropriations to carry out the authorized program, then the $1,000,000 will be needed. That is correct, is it not?

Mr. MEAD. That is correct. However, unless we make appropriations there are buildings which might be considered to be under way which would not be completed.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. MEAD].

The amendment was agreed to.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment.

Mr. WAGNER. Mr. President, I offer an amendment to increase the appropriations by $2,500,000 so as to provide employment in the Brooklyn Navy Yard, and also to do very necessary work on Diesel engines in connection with the modernization of three submarines.

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

The CHIEF CLERK. At the proper place in the bill it is proposed to insert the following:

ALTERATION TO NAVAL VESSELS

The Naval Appropriation Act, 1940, Public, No. 90, Seventy-sixth Congress, is amended by inserting, on page 23 thereof, line 5, after "(52 Stat. 688)", the following:

"And the U. S. S. *Argonaut*, *Narwhal*, and *Nautilus* authorized by the act entitled, 'An act to authorize alterations and repairs to certain naval vessels, and for other purposes,' approved April 20, 1939, Public, No. 37, Seventy-sixth Congress"; and by substituting for "$4,000,000" in the fifth line "$6,500,000."

Mr. WAGNER. Mr. President, I hope the committee will accept the amendment. I think it is a very desirable increase in the appropriations.

Mr. BYRNES. Mr. President, the Senator from New York has discussed this matter with me on several occasions within the past day or two. I wish the committee could see its way clear to agree to the proposal, as it would like to agree to many proposals. However, Mr. President, the

amendment is legislation; it is a request for which there is no Budget estimate; and I feel constrained to make a point of order against the amendment.

The Navy Department has not presented to the committee any request for this appropriation. Therefore, I do not know the merits of it from the standpoint of the Department.

I make the point of order against the amendment; first, on the ground that it is legislation; and, second, on the ground that there is no Budget estimate for it.

Mr. WAGNER. There is no Budget estimate. I had hoped I might persuade the committee to accept the increased appropriation, because I am sure the Navy Department favors the appropriation, and the work is very necessary work, and will eventually have to be done. I think the appropriation at this time would be particularly desirable in view of the unemployment situation in that section of the country. In the first place, it would absorb some of the unemployed, and would accomplish a modernization work which eventually will have to be done anyway.

I shall have to accept the decision of the Chair as to whether or not the amendment is legislation.

The PRESIDING OFFICER. The Chair feels constrained to rule that it is legislation. It amends the existing law. The point of order is sustained.

Mr. WAGNER. I shall have to accept the ruling of the Chair.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment.

If there be no further amendment, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H. R. 7462) was passed.

Mr. ADAMS. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ADAMS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, Mr. RUSSELL, Mr. HALE, Mr. NYE, and Mr. TOWNSEND conferees on the part of the Senate.

STUDY AND DETERMINATION OF A NATIONAL MONETARY AND BANKING POLICY

Mr. BARKLEY. Mr. President, the unfinished business is Calendar No. 1165, Senate Resolution 125.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the resolution (S. Res. 125), providing for a study and determination of a national monetary and banking policy.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution, as amended, was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed without amendment the following bill and joint resolution of the Senate:

S. 1815. An act for the relief of Evelyn Mary Locke; and

S. J. Res. 72. Joint resolution readmitting Mary Cohen Bienvenu to citizenship.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 1802. An act authorizing construction of water-conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States; and

S. 2240. An act to provide for a national census of housing.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the House to each of the following bills of the Senate:

S. 1708. An act to amend the Employers' Liability Act; and

S. 2271. An act for the relief of Barnet Warren.

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

H. R. 3959. An act to authorize the Secretary of the Interior to dispose of recreational demonstration projects, and for other purposes; and

H. R. 5129. An act authorizing and providing for the construction of additional facilities on the Canal Zone for the purposes of more adequately providing for the defense of the Panama Canal and for increasing its capacity for the future needs of interoceanic shipping.

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

H. R. 4108. An act to provide for the transfer of United States Employment Service records, files, and property in local offices to the States;

H. R. 5835. An act to authorize the President to render closer and more effective the relationship between the American republics; and

H. R. 7132. An act to amend an act entitled "An act for the relief of the Playa de Flor Land & Improvement Co.," approved May 21, 1934.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 35), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the adjournment of the first session of the Seventy-sixth Congress, the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized to sign any enrolled bills or joint resolutions duly passed by the two Houses and which have been examined by the Committee on Enrolled Bills of each House and found truly enrolled.

INVESTIGATION OF VIOLATIONS OF RIGHT OF FREE SPEECH, ETC. INCREASING LIMIT OF EXPENDITURES

Mr. BARKLEY. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1164, Senate Resolution 126.

The PRESIDING OFFICER. The resolution will be stated by title for the information of the Senate.

The CHIEF CLERK. A resolution (S. Res. 126) increasing the limit of expenditures for the investigation of violations of the right of free speech and assembly and interference with the right of labor to organize and bargain collectively, reported from the Committee to Audit and Control the Contingent Expenses of the Senate, with an amendment.

Mr. JOHNSON of California. Mr. President——

Mr. BARKLEY. Mr. President, the Senator from Washington [Mr. SCHWELLENBACH] is the author of the resolution, and I yield to him.

Mr. SCHWELLENBACH. Mr. President, I wish to say first, before the motion to proceed to the consideration of the resolution is voted upon, that so far as I am concerned, when we come to the consideration of the resolution itself I shall have no objection to a motion to amend it by striking from it all the "whereases" which precede the resolution proper.

Mr. JOHNSON of California. It is my intention, Mr. President, to move the elimination from the resolution of the various recitals, beginning with the first "whereas" and continuing down to the words "Therefore be it resolved."

I move that the "whereases" be eliminated from the resolution.

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair). The question is on the motion of the Senator from Kentucky to proceed to the consideration of the resolution.

Mr. JOHNSON of California. Mr. President, I am willing that that motion be first agreed to. Then I shall make my motion.

The motion was agreed to; and the Senate proceeded to consider the resolution, which had been reported from the

Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, on page 2, line 10, after the word "by", to strike out "$100,000" and insert "$50,000", so as to make the resolution read:

Whereas a subcommittee of the Committee on Education and Labor, acting pursuant to Senate Resolution 266, authorizing an investigation of violations of the rights of free speech and assembly and undue interference with the right of labor to organize and bargain collectively, initiated an inquiry of vital concern to the people of the State of California, Oregon, and Washington, which it was unable to complete because of lack of funds; and

Whereas there has been widespread public demand for the continuance of the work of said subcommittee as evidenced by action taken by the National Grange, the American Federation of Labor, the Congress of Industrial Organizations, and numerous other organizations, urging an appropriation of additional funds for the use of the said subcommittee; and

Whereas the Associated Farmers of California, Inc., in a telegram to Senator HIRAM JOHNSON, dated April 4, 1939, inserted in the CONGRESSIONAL RECORD on that date, asked for an opportunity to be heard concerning any charges affecting it which might arise out of such inquiry: Therefore be it

Resolved, That the limit of expenditures under Senate Resolution 266, Seventy-fourth Congress, second session, agreed to June 6, 1936; under Senate Resolution 70, Seventy-fifth Congress, first session, agreed to February 17, 1937; under Senate Resolution 154, Seventy-fifth Congress, first session, agreed to August 12, 1937; and under Senate Resolution 266, Seventy-fifth Congress, third session, agreed to May 18, 1938, to investigate violations of the right of free speech and assembly and interference with the right of labor to organize and bargain collectively is hereby increased by $50,000.

Mr. JOHNSON of California. I now move to amend the resolution by striking out the recitals in the preamble of the resolution, beginning with the first "whereas" on the first page thereof, and extending down to the words, "Therefore be it resolved," on page 2, leaving only the resolution itself, without any of the recitals.

The PRESIDING OFFICER. The Chair is advised that the motion of the Senator is not in order until after the resolution itself has been acted upon.

Mr. JOHNSON of California. I thought we had just acted upon it.

Mr. BARKLEY. Mr. President, I thought the motion to proceed to consider the resolution had been agreed to.

The PRESIDING OFFICER. The motion to proceed to consider the resolution was agreed to; but before the motion of the Senator from California is in order there is a committee amendment pending, which the clerk will state.

The CHIEF CLERK. On page 2, line 10, after the word "by", the committee proposes to strike out "$100,000" and insert "$50,000."

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

Mr. LA FOLLETTE. Mr. President, I should like to have just a few moments of the attention of the Senate to make a statement.

The question before the Senate is on the amendment recommended by the Committee to Audit and Control the Contingent Expenses of the Senate to reduce from $100,000 to $50,000 the amount for the continuation of the subcommittee of the Senate Committee on Education and Labor under Senate Resolution 266.

When the last appropriation was made by the Senate for this subcommittee at the last session of Congress I stated that, in my judgment, the work of the committee could be concluded with that sum of money; that its reports, and such legislative recommendations as might be reported on the basis of the committee's testimony, could be made and that the work of the committee could be wound up, and that so far as I was concerned I would not seek any increase in funds, or further money for the committee.

Mr. President, at the time that statement was made the committee had tentatively set up a budget of $25,000 out of the $60,000 then afforded to make an investigation of the charges and countercharges which had been made concerning certain activities and certain organizations in the State of California. Pursuant to the setting up of that budget the committee began such an investigation.

The sum of $25,000 was carefully estimated, and was predicated upon the previous experience of the committee insofar as the expense of its past investigations was concerned.

But, Mr. President, the committee found that the investigation in California and on the west coast was a much more expensive type of investigation than it had experienced when the committee was situated here in Washington, because, first of all, the committee had to pay subsistence; it had to pay travel; and it found that there could be no such economical operation of the committee when it was confronted with the problem of dealing with a situation as far away as the State of California, where travel about that State was very extensively required.

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

Mr. LA FOLLETTE. I yield to the Senator from Montana.

Mr. WHEELER. I have had some experience with investigations. I do not understand what the Senator is asking for. Is he asking for $100,000?

Mr. LA FOLLETTE. The resolution submitted by the Senator from Washington [Mr. SCHWELLENBACH] and the junior Senator from California [Mr. DOWNEY] authorized $100,000. The Committee to Audit and Control the Contingent Expenses of the Senate has recommended that the amount be cut to $50,000.

Mr. WHEELER. If the committee is going to do any kind of a job at all it cannot do it with $50,000, in my judgment, when it is going to cover the United States. If the committee is going to do any kind of a job it ought to have at least $100,000. When the Federal Communications Commission was investigating the American Telephone & Telegraph Co. it expended something like $1,000,000.

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

Mr. LA FOLLETTE. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. How much has already been expended by the committee headed by the Senator from Wisconsin?

Mr. LA FOLLETTE. In our 3 years of existence the committee has received from the Senate and expended all but $500 or $150,000. It has taken 34 volumes of testimony.

Mr. CLARK of Missouri. As a matter of fact, Mr. President, I think the Senator's committee has done very splendid work; but why should it come back here asking an appropriation of $100,000 over a recess period when it has already been afforded by the auditing committee, $50,000?

Mr. LA FOLLETTE. Mr. President, I was interrupted in the course of my statement.

Mr. CLARK of Missouri. I did not mean to interrupt the Senator.

Mr. LA FOLLETTE. I shall be glad to answer the question when I come to it. I was trying to say that the committee has had experience and has found that investigations of this character are very expensive; and I felt, as chairman of the subcommittee, that perhaps, if the smaller amount is authorized, and the committee does not complete its work with it, one of two things will happen—either the committee will be criticized or an effort will be made to obtain more funds to complete the investigation—and I felt that I should be remiss in my duty and responsibility to the Senate if I did not very frankly state what I thought the situation to be.

Let me say to the Members of the Senate who do me the honor to give me their attention that obviously it would be very inappropriate for me to say anything about any organization or any group of organizations of which the committee has begun a preliminary investigation, but I think I can say, without transgressing the bounds of propriety in any way, that we have gone far enough in the investigation to know that it is going to be very difficult and complicated. Obviously, there are very sharp differences of opinion pro and con upon the various matters which are under investigation. It will be a very arduous and a very difficult task, and I want to say to the Senate that I personally very much hesitate to undertake this work unless there is some assurance that a complete job can be done, because I know that any group of men who undertake this task are going to find themselves the subject of very great criticism from all sides unless there is an opportunity to afford everybody a hearing, and to complete the investigation as it should be completed, in a

thorough manner. After the experience we have thus far had in California in connection with this investigation, I say to the Senate in all earnestness that I do not believe $50,000 will be an adequate sum for this investigation, and that, in my opinion, either the investigation will be incomplete and unsatisfactory to everybody, or else the sum of money which was originally requested in the resolution submitted by the Senator from Washington [Mr. SCHWELLENBACH] and the junior Senator from California [Mr. DOWNEY] will have to be provided for the committee. Therefore, Mr. President, it was my hope that the Senate might see its way clear, if it was going to authorize the investigation at all, to give to the committee the entire amount.

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

Mr. LA FOLLETTE. I yield to the Senator from Utah.

Mr. KING. May I ask the Senator whether it is the purpose of his committee, assuming that this appropriation shall be granted, to investigate the causes of the water-front trouble; the reason why the shipping interests of California, particularly of San Francisco Bay, have been practically destroyed; why it is impossible to build ships there because of the attitude of certain organizations; or whether the committee is to confine its investigation to examining some of the alleged troubles in the agricultural section of the State?

Mr. LA FOLLETTE. Mr. President, as I have stated, I do not feel that I am in a position now to make any comment or draw any deductions as a result of the committee's preliminary investigations. There have been no hearings. No one has had any opportunity to be heard. As a matter of fact, the committee was in the process of collecting material for this investigation when its funds became exhausted. I will say, however, that to the best of its ability the committee will carry out the mandate of the Senate, and will conduct the investigation under the terms of the original resolution, which provided for an investigation of violations of civil liberties and undue interference with the right of labor to organize and to bargain collectively.

Of course, the committee has not been able, despite the large sum of money which the Senate has generously given it, to investigate every controversy which has occurred in the United States in which it has been alleged either that civil liberties have been violated or that there has been undue interference with the right of labor to organize and bargain collectively. The committee has had to proceed on the basis of selecting certain incidents, certain situations, and then endeavoring to make as thorough as possible investigations of them. If the committee had endeavored to investigate all the things which were brought to its attention its life would have had to be extended indefinitely, probably beyond the expectancy of life of the present members of the committee, and there would have to be annual appropriations indefinitely. The committee has endeavored, insofar as it could, to investigate these problems, which have been taken up for investigation with great thoroughness, and has endeavored to give every person a fair opportunity to be heard.

Mr. KING. One other question, if I may ask it of the Senator.

Mr. LA FOLLETTE. I yield to the Senator from Utah.

Mr. KING. Has the Senator's committee interpreted the words "civil liberties" as applying only to persons who belong to labor unions, or has it investigated the alleged deprivation of persons of their civil liberties because of the activities of various organizations which I shall not enumerate?

For instance, I have had a number of letters concerning strikes in Detroit, and inquiries as to whether or not the civil liberties of individuals who wanted to work, but were prevented from working, came within the periphery of the right of the Senator's committee to investigate; and many similar inquiries have come to me from various sections of the United States.

Mr. LA FOLLETTE. In response to the first part of the Senator's question, I will state that of course the committee has not interpreted "civil liberties" to apply only to those who are members of labor organizations. In response to the second part of the Senator's inquiry, I will say that the committee has investigated a great number of instances of the kind and character described by the Senator from Utah. Many of them were brought to the attention of the committee by the senior Senator from Michigan [Mr. VANDENBERG]; but although the committee was diligent in all of the instances of that nature brought to its attention, when a preliminary investigation was made the committee was unable to secure substantial evidence to substantiate the charges.

Mr. JOHNSON of California obtained the floor.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield in order that I may submit a unanimous-consent request?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Washington?

Mr. JOHNSON of California. I yield to the Senator from Washington.

Mr. SCHWELLENBACH. Prior to the time the vote was had upon the motion to consider this resolution I indicated that I thoroughly agreed that the portion of the resolution contained in the "whereases" could very properly be eliminated. I did not appreciate at the time that under the rules of the Senate ordinarily such a motion is not considered until after a resolution is adopted. I conceive it to be the reason behind that rule that ordinarily there is no particular objection to the "whereases," and that is the reason why the vote upon that question is delayed; but in this particular instance there is an objection to the particular "whereases" which are contained in the resolution, and it seemed to me that we might very well dispose of that question now. It can be done by unanimous consent; and I ask unanimous consent that at this time the various "whereases" contained in the resolution be eliminated.

The PRESIDING OFFICER. The Senator from Washington asks unanimous consent that the rules of the Senate be suspended, and that the Senate now eliminate the preamble of the resolution. Without objection—and the Chair hears no objection—it is so ordered, and the preamble is eliminated.

The question now is upon the amendment reported by the committee.

Mr. ASHURST rose.

Mr. JOHNSON of California. Does the Senator from Arizona desire to speak upon the amendment?

Mr. ASHURST. I do not desire to trespass upon the time of the Senator from California. When he has finished I wish to make an observation.

Mr. JOHNSON of California. Mr. President, on the 4th day of April last I rose in the Senate and, with a few preliminary remarks, put into the RECORD without objection a dispatch received by me from the Associated Farmers of California. I said then, and I say now, that I know nothing about the matters involved in that dispatch, but I believe in the sacred right of self-defense, and whenever a body or an individual is attacked I believe in his right to reply and in his right to be heard if necessary.

Up to April 4, 1939, I do not believe there was any attempt, except some preliminary matters of the committee in charge of the investigation of civil liberties and the guardian saint of this body, to do anything in this body in regard to any matters pertaining to the subject matter with which we are engaged today.

April 4, 1939, I call to the attention of the Senate, is the date. I will read to the Senate the telegram then received by me. It was as follows:

SAN FRANCISCO, CALIF., *April 4, 1939*—

I observe that much is made of the fact that the junior Senator from California unites in the particular petition now before the Senate, and in asking that this particular amount of money be accorded to the committee. That is his right; I have no fault to find with him at all. But so long as I represent the State of California or any part of it, so long as I have constituents in whom I have any confidence at all, be they few or be they many, when they are attacked, I am willing to come to their defense until I find

that they have done something which warrants no defense upon my part.

I therefore came on April 4, 1939, to the defense of the farmers of California, and put in this telegram.

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

Mr. JOHNSON of California. I yield.

Mr. CLARK of Missouri. Has the Senator ever in his long experience in the Senate heard a single instance where an investigating committee came into the Senate refusing to accept such a munificent sum as $50,000 for a continuation of their work, and demanding $100,000?

Mr. JOHNSON of California. I have never heard of one, and that is why I oppose this now. I was willing to let this thing go by upon the separation of the one side, that is composed of certain individuals with whom we are familiar, and of the other side, composed of farmers in the State of California—I was willing to let it go by without determination one way or the other, but let the charges be taken in the open, and let there be such an investigation as would be appropriate under the circumstances.

I do not know who compose the committee which would examine these witnesses or conduct its examination, except, so far as I am aware, the distinguished Senator from Utah and the distinguished Senator from Wisconsin, have conducted such examinations in the past. Is there any other member of that committee, I ask either of the Senators?

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. JOHNSON of California. I yield.

Mr. LA FOLLETTE. There was a subcommittee of three originally appointed.

Mr. JOHNSON of California. Who was the third one?

Mr. LA FOLLETTE. The third one was the late Senator from Iowa, Mr. Murphy, and since his death the vacancy has not been filled by the chairman of the full committee.

Mr. JOHNSON of California. That is a peculiar situation. I need not comment on it at this time, but it is a peculiar situation that two men may conduct an examination which means the very farms of farmers in California, or the very business of someone else. I do not say they have acted wrongfully; I do not asperse their characters at all; but it is a peculiar situation that there should be these two alone, and that no other member of the committee is serving with them in doing this work. Perhaps no other man would serve; I do not know how that is; but only these two have done the job, and these two alone have made the findings. I object to that.

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. JOHNSON of California. I yield.

Mr. THOMAS of Utah. I am sure the Senator from California has not read very many of the hearings of the committee which has been investigating in regard to civil liberties.

Mr. JOHNSON of California. Oh, yes, I have read many of the hearings, not all, I admit. I do not say aught against the committee, but there ought to be some other man on the committee as well, some other man who represents a different line of philosophy, if you choose. There ought to be someone upon it who could speak the language of the people who have been examined, or who are to be examined. That is all I complain of, and that ought to be done.

Mr. THOMAS of Utah. Mr. President, will the Senator yield further?

Mr. JOHNSON of California. I yield.

Mr. THOMAS of Utah. I do not like to have the Senator from California suggest that there has been a community of thought or philosophy, to suggest that there has been a single purpose, to suggest that there has not been difference of opinion, to suggest that any single witness who has come before the Civil Liberties Committee has not been defended by counsel——

Mr. JOHNSON of California. Do not put words in my mouth.

Mr. THOMAS of Utah. Mr. President, I will take words out of the Senator's mouth, if the Senator stands here and objects to the way in which this committee has been conducting its operations, and calls attention to the fact that only two Members of the Senate have been sitting on the committee, and then assumes that those two Members have but a single purpose, and that they are united in all things, that they have one philosophy of life, and that they are not fair with the witnesses who come before them.

Mr. JOHNSON of California. Wait a moment. There has not been any such suggestion by me as that just made. I will make such a suggestion if ever I believe it, but no such suggestion has been made by me. Let us follow along with this telegram.

Mr. THOMAS of Utah. Mr. President, I refuse to leave this situation as it now is.

The PRESIDING OFFICER. Does the Senator from California yield?

Mr. JOHNSON of California. I yield for a question or a correction.

Mr. THOMAS of Utah. The correction is simply this, Mr. President, if the Senator finds that there is something wrong in the fact that only two Senators have conducted these investigations, let the Senator know that every investigation has been open; that other Senators have appeared and sat upon the stand with us; that they have taken part sometimes in the investigations; that there has never been a unity of philosophy or a unity of purpose, and that there has never been a time when a witness has been coerced in the least.

Mr. JOHNSON of California. No one has claimed any such thing, and no one states any such thing. If there comes a time when any such thing shall occur, and I am a representative of the State of California, the Senator will hear from it, he need not worry about that.

Mr. THOMAS of Utah. I should expect every Senator in the United States, every Senator in the Chamber, to rise up is his wrath whenever he found that any injustice had been done, and whenever he found that someone had done something he should not have done; but I do resent, and resent in the fullest measure, the suggestion that there is something unique in the fact that there have been only two Senators operating upon this committee, and that those two Senators are united in a single purpose to carry out a single kind of philosophy which would, in and of itself, result in the most unjust treatment in any kind of an investigation that anyone could think of.

The implications of the Senator from California are what I resent, because the Senator knows, as well as anyone knows, that this committee has carried on an open hearing, that there have been lawyers representing the various witnesses before it, and that never once has the committee been charged with being unjust or unreasonable or improper with a single witness.

Mr. JOHNSON of California. Very well. I am very glad to hear that statement. I am very glad to hear the statement made on behalf of the committee. I accept it in full as it is stated, and I hope, because I do not in any degree endeavor to prevent this investigation, that the investigation will be conducted to the full exactly as the Senator may say, and exactly as he has just related. I will recall his words to him if it is not.

Mr. THOMAS of Utah. Mr. President, will the Senator yield further?

Mr. JOHNSON of California. I yield.

Mr. THOMAS of Utah. Of course, a poor, young Senator feels himself extremely weak standing before the majesty of the senior Senator from California——

Mr. JOHNSON of California. Just a moment.

Mr. THOMAS of Utah. I do not want to appear that way, but I do want to tell the story of this investigation as it has gone on, at this particular point.

In all seriousness, the Civil Liberties Committee was asked, after a preliminary investigation in the State of California, to make a budget of the probable cost of an investigation which would bring out in the open and give these persons a chance to produce their witnesses, to answer, because the Senator from California knows as well as anyone knows

that nothing has been made public that has been discovered by the investigation, no implications have been made, because only in an open hearing held in front of anyone who wishes to attend has the committee carried on its investigation.

After going thoroughly into the probable cost, the Senator from Wisconsin and I worked out a budget, and we submitted the figure of $105,000 to carry on, properly, the investigation in California.

Mr. JOHNSON of California. When?

Mr. THOMAS of Utah. We did that in the light——

Mr. JOHNSON of California. When?

Mr. THOMAS of Utah. It was done probably back in April. The Senator has used that date, and that date seems all right to me. The request was made, and we submitted that estimate, so that people might see what might be done.

Nothing has been done since, nothing will be done unless the Senate of the United States wants us to carry on the investigation. But the Senator from Wisconsin told the Senate 2 or 3 minutes ago that as a result of our own studies in this matter we deemed the $50,000 inadequate, and I desire to concur in what he said, because, comparatively speaking——

Mr. JOHNSON of California. I am permitting the Senator to speak in my time, but he may proceed.

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

Mr. JOHNSON of California. I yield.

Mr. BURKE. For the past 20 weeks, approximately, I have been sitting with the Committee on Education and Labor, although not a member of it, while it has been conducting hearings on another matter, the possible amendment of the Wagner Labor Relations Act, and I wish to say that I have never attended any hearings in either House of Congress that were conducted with more fairness from start to finish.

Having said that, I wish to say further that I agree entirely with the senior Senator from California in what I understood his statement to be, that the two Senators who constitute the Civil Liberties Investigation Committee are Senators dear to all of us, in whom we all have the utmost confidence, and yet Senators who have a certain philosophy, a philosophy to which I find myself very much opposed on very frequent occasions.

To my mind it would be far better, if the Associated Farmers of California have done anything wrong, to have them investigated by the Department of Justice, and prosecuted by that Department, rather than to have them summoned before this committee of two Senators with a certain philosophy, in reference to this matter.

I have in my desk a subpena issued by another committee set up by the Senate, with which the present Presiding Officer is familiar, which seems to me to outrage all our sense of decency and propriety in what a committee of Congress, or a joint committee, as this particular committee to which I refer is, may do.

I desire to take this occasion to say——

Mr. LA FOLLETTE rose.

Mr. BURKE. Does the Senator from Wisconsin desire to interrupt?

Mr. LA FOLLETTE. Not at this time.

Mr. BURKE. I want to take this occasion only to say that I think if the Civil Liberties Committee is to be given more funds to carry on its investigation, which, to my judgment, has been an investigation aimed solely to carry out a particular point of view, and not with the attempt to investigate the violations of civil liberties for all the people of this country—I say if this investigation is carried on by that committee, the committee ought to be enlarged, so as to put upon it some Senators who have somewhat of a different philosophy from the two Senators who now constitute the committee.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. JOHNSON of California. I yield.

Mr. LA FOLLETTE. The Senator from Nebraska made some reference to a subpena which he then proceeded to condemn. Did I understand the Senator to say that the subpena was issued by the subcommittee of the Senate Committee on Education and Labor?

Mr. BURKE. No. I said it was a subpena issued by a subcommittee, the presiding officer of which happened to be the chairman of the committee—I do not know the exact name—the anti-monopoly committee. I have no familiarity with any subpenas ever issued by the Civil Liberties Committee.

Mr. LA FOLLETTE. I desire to say, Mr. President, that I think it may be assumed that the subpenas which have been issued by this subcommittee for the various corporations and organizations which it has investigated are certainly within the law, for they were scrutinized by the best legal talent that is obtainable in this country.

Mr. ASHURST rose.

Mr. JOHNSON of California. Mr. President, I will yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, I shall take a few moments of the Senate's time in my own time.

Mr. JOHNSON of California. Following is the telegram:

On March 31 a number of serious charges were made concerning the Associated Farmers of California in a dispatch sent out from Washington by Bruce Catton, N. E. A. Service Washington correspondent.

This is the telegram which I placed in the RECORD by unanimous consent:

This dispatch gives as its source a Senate Civil Liberties Committee report to be filed with the Senate immediately. These charges cannot go unanswered.

The Associated Farmers have been given no hearing by the La Follette committee and no opportunity to present their side of the case. Indeed, they have not even been advised of any charges or what conclusions have been reached concerning them by the La Follette committee, except in the dispatch above mentioned, which expressly states that "no part of the report has yet been disclosed."

Decency and fair dealing, to say nothing of the basic principle of American law expressly guaranteeing a fair trial, should dictate that the Associated Farmers have an opportunity to prove or disprove the charges mentioned in the dispatch, if, as, and when made.

So that Congress and the public may be advised, we herewith set forth our position, which we respectfully request be read into the CONGRESSIONAL RECORD.

And then they take up the charges in this Catton press release.

The Bruce Catton press release was March 31, 1938. The Senator from Wisconsin, be it said to his credit, denied that he had anything to do with that release, and in part denied that any charges of the character that were mentioned in the dispatch had been made.

Mr. LA FOLLETTE. Mr. President, if the Senator will pardon me, the committee at no time made any charges or made any report. It has not and never has intended to make any report concerning the California situation unless it was decided that an investigation should be continued, because, as stated in that telegram, and as I stated to the Senator from California when he showed it to me, the committee had not made any report and did not contemplate making any.

Mr. JOHNSON of California. All right. But Mr. Bruce Catton apparently assumed that he had news from some direction and presumably it was the Civil Liberties Committee.

Mr. THOMAS of Utah. Mr. President, may I ask the Senator a question?

Mr. JOHNSON of California. Certainly.

Mr. THOMAS of Utah. There are two members on the Civil Liberties Committee.

Mr. JOHNSON of California. Only two?

Mr. THOMAS of Utah. There are only two members on the Civil Liberties Committee.

Mr. JOHNSON of California. Two.

Mr. THOMAS of Utah. And the Senator from California has pointed over to the Senator from Wisconsin and said that the Senator from Wisconsin very properly denied having to do with the release of that report.

Mr. JOHNSON of California. Yes.

Mr. THOMAS of Utah. Now, does the Senator from California imply that the other member of the committee——

Mr. JOHNSON of California. I see what the Senator is driving at. Oh, no; the Senator from Wisconsin answered, as I understood it, for the Civil Liberties Committee.

Mr. THOMAS of Utah. I thank the Senator.

Mr. JOHNSON of California. I have his answer here as published in California, if the Senator wishes to hear it. This is dated April 8:

Senator ROBERT M. LA FOLLETTE will tell the Senate within the next few days that statements about the Associated Farmers in a recent dispatch out of Washington did not represent the findings of the Civil Liberties Committee. The story purported to be an advance account of the contents of the committee's report and its findings in California. Senator LA FOLLETTE says that charges made by different persons and organizations were collected and printed as coming from his committee. He says the evidence before his committee does not support all these charges. The committee has been meticulous about documenting all of the statements bearing its authority and has not heretofore had complaints of its work, such as have been made by the Associated Farmers.

That is a news dispatch.

Mr. LA FOLLETTE. Yes; and the Senator, I am sure, will remember, when he spoke to me about the telegrams, that I stated to him that, of course, I did not know from what source Mr. Catton had printed his article, but that as chairman of the committee, and speaking for myself and the Senator from Utah, I stated to the Senator from California then—and that has been the position and policy of the committee from the beginning—that, of course, it would not make any findings, any charges, or any reports unless and until it had completed an investigation, held a hearing, and given everybody an opportunity to be heard in order that there might be evidence upon which to base such findings of fact or such report.

Mr. JOHNSON of California. I do not recall such a complete answer as the Senator has now given. I sent for a member of the Associated Farmers, a Representative in Congress from California, as decent and as high grade a young man as ever I knew, and I asked him to come over here and meet the Senator. The Senator made an appointment with him, and the Senator did not keep it. Does the Senator remember that?

Mr. LA FOLLETTE. No; I do not, Mr. President, but I remember seeing him here and discussing the matter with him here on the floor when the Senator introduced me to him.

Mr. JOHNSON of California. But the discussion was very brief, and he was introduced to the Senator from Utah as well and he got no information, so he reported to me.

Mr. LA FOLLETTE. If the Senator will yield——

Mr. JOHNSON of California. I yield.

Mr. LA FOLLETTE. I gave him the same information about the matter to which the Senator has referred to, that I gave to the Senator from California, if my memory serves me correctly.

Mr. JOHNSON of California. I think it serves the Senator correctly, except in one or two particulars.

Mr. THOMAS of Utah. Mr. President——

Mr. JOHNSON of California. Does the Senator from Utah wish to be heard?

Mr. THOMAS of Utah. Yes; I should like the Senator from California to reflect a bit. He never made an appointment with the Senator from Utah. I talked one afternoon with the Representative from California. I gave him all the information I had. I told the Senator at that time that there would be no investigation in California unless the Senate decided to have an investigation there.

Mr. JOHNSON of California. Then it must have been forgotten very quickly by him. I saw him afterward and asked him if he had learned anything. He said that substantially he had not. But I am calling the attention of the Senate to the time, because at that time both the Senator from Utah and the Senator from Wisconsin said they had stated they would not ask for any more money, and that, so far as they were concerned, this investigation was closed. Does the Senator recall that?

Mr. THOMAS of Utah. Mr. President, I think the Senator will find that neither the Senator from Wisconsin nor the Senator from Utah formally asked for any money. Every time we have made any statement we have called attention to the fact that when the last money was granted by the Senate of the United States it was expressly stated by the chairman of the subcommittee that we would bring the investigation to a close. That is why I told the Senator from California and his colleague the Representative from California that if there was an investigation in California it would be as the result of Senate action, and not the result of anything initiated by the Senator from Wisconsin and myself.

Mr. JOHNSON of California. It is 4 long months since that conversation.

Mr. THOMAS of Utah. It is 4 months since that conversation and——

Mr. JOHNSON of California. I have never talked to the Senator since nor to the Senator from Wisconsin about the matter, because the conversations with each of them were so vague, as was the Senators' right—I do not question their right to answer me in any fashion they see fit—they were so vague, however, that it was impossible for me to determine whether or not they were going to carry on further investigation. I was not interested in the subject save in behalf of the young gentleman from the House who came over here and who wanted to learn concerning it. He is a farmer, a hard-working farmer, and he is nothing else, and he, of course, was interested in what was transpiring. So I naturally sent him to the sources of information, and from them he returned to me saying practically there was no information.

Mr. THOMAS of Utah. Will the Senator yield further?

Mr. JOHNSON of California. Yes; I will yield to the Senator all night.

Mr. THOMAS of Utah. The Senator has mentioned the fact that our replies were vague. What I say now will be identical with what I said then, that there will be no investigation by the Civil Liberties Committee in California unless the Senate of the United States decides to have us carry out that investigation. I have not asked, the Senator from Wisconsin has not asked, and we will not ask to make investigations, but we will when we are called upon to make reports say what we know. Now, if that is vague I cannot understand vagueness. We will not go unless the United States Senate orders us to.

Mr. JOHNSON of California. Briefly, let me ask the Senator a question. With the resolution adopted today, and $50,000 being provided by the Senate, does not the Senator think the talk about an investigation is rather vague?

Mr. THOMAS of Utah. There is nothing vague at all about that, Mr. President.

Mr. JOHNSON of California. Perhaps not.

Mr. THOMAS of Utah. The resolution was submitted by someone other than the Senator from Wisconsin. It was submitted by someone other than the Senator from Utah. That has not been the case in the past. Each one of our resolutions in the past has been presented by a member of the committee.

Mr. JOHNSON of California. I want to conclude, and I have this to say in conclusion: I probably do not know a half dozen of the Associated Farmers of California. I know three or four. I know them as farmers and as men engaged in hard work, and as men engaged in the endeavor to save what little they have worked for all their lives. They are exercised and this association is exercised over what may happen. The committee may investigate and if they find there was a rotten condition in that association, or if they find that the Associated Farmers did aught besides endeavor to protect themselves, then I will say gladly here on this floor that the committee endeavored to do what was right and to develop what was wrong.

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

Mr. JOHNSON of California. I yield.

Mr. BANKHEAD. Are there grand juries in California?

Mr. JOHNSON of California. Of course we have grand juries.

Mr. BANKHEAD. Are there Federal grand juries in California?

Mr. JOHNSON of California. Certainly.

Mr. BANKHEAD. And State grand juries?

Mr. JOHNSON of California. Yes.

Mr. BANKHEAD. Does the Senator know any reason why the grand juries cannot investigate violations of law?

Mr. JOHNSON of California. Not a particle.

Mr. President, for 2 or 3 months we have had the Attorney General of the United States investigating. I am told by the Senator from South Carolina that when it was suggested that he ought to make this investigation—I have not talked to him about it; I never spoke to him in any way, shape, form, or manner, or with anyone connected with him—it was stated that he could not issue subpenas. I am informed that he can issue subpenas. I do not know how his investigation would run. I do not know whether it would run collateral to the investigation of the Civil Liberties Committee, or whether it would run otherwise. He was the important man to investigate this particular matter.

Mr. President, I wish to conclude.

Mr. PEPPER rose.

Mr. JOHNSON of California. I will not be interrupted again.

If there is anything in California which does not smell good, if there is any organization there which deprives any man of his civil liberties, I will fight to prevent that sort of thing being done, and I will unite with the Senator from Wisconsin or the Senator from Utah in doing so. If there is any man on earth in the particular bailiwick from which I come who is not observing the law, who does things which are not proper and fit to be done, then investigate him to the full; but, for God's sake, give him a square deal. Remember, he is a hard-working American citizen, and he is entitled to a square deal. Give him the right to be heard as he is entitled to be heard. Do not let seep out from the committee, or from anybody connected with the committee, any sort of language concerning him which ought not to seep out. See that he is given equal publicity with those who are damning him and endeavoring to prevent him from carrying on his vocation. If he is wrong, find it out and punish him. If he is right, for the love of God acquit him and say that he is right.

Mr. ASHURST. Mr. President, what I shall say, or part of what I shall say, may not appear to have a direct bearing on the resolution before the Senate, for which I expect to vote.

The rules of the Senate provide that no Senator in debate shall refer offensively to any State in the Union. I hope I am not violating that rule when I say that I happen to know that if civil liberty in California during the past 25 or 30 stormy years has been maintained, it has been maintained through the efforts and the courage of HIRAM WARREN JOHNSON, the Senator from California.

Mr. President, so much for civil liberties.

I ask Senators to hear me a moment with respect to a bill which it seems to me should follow the adoption of the pending resolution. I refer to House bill 6832, which passed the House of Representatives and was referred to the Senate Committee on the Judiciary, and by that committee was referred to a subcommittee composed of the Senator from Wyoming [Mr. O'MAHONEY] as chairman, the Senator from Arkansas [Mr. MILLER], and the Senator from Connecticut [Mr. DANAHER].

The bill provides that it shall be unlawful to bribe or attempt to bribe, to intimidate or corrupt, or attempt to intimidate or corrupt, witnesses who appear before any committee of either House of Congress or any commission or board or agency of the United States.

It may surprise some Senators—it surprised me—to know that while there is a stringent law, namely section 135 of the United States Code, which severely denounces any attempt to corrupt a witness in a Federal court, so far as I know there is no law which punishes anyone who intimidates, attempts to intimidate, or corrupt a witness who appears before a commission, board, or other agency of the Federal Government, or a committee of Congress.

The bill to which I refer has passed the House and has passed the scrutiny of the Senate Commitee on the Judiciary, although fairness requires me to say that some of the ablest members of the committee did not approve the bill. So, if I may obtain the floor after the pending resolution has been disposed of, I shall ask the Senate to consider House bill 6832, which reads as follows:

Be it enacted, etc., That the Criminal Code of the United States be amended by inserting therein a new section immediately following section 135 (U. S. C., title 18, sec. 241) to be known as section 135 (a) (U. S. C., title 18, sec. 241 (a)) and reading as follows:

"SEC. 135. (a) That whoever corruptly, or by threats or force, by any threatening letter or communication, shall endeavor to influence, intimidate, or impede any witness in any proceeding pending before any department, independent establishment, board, commission, or other agency of the United States, or in connection with any inquiry or investigation being had by either House, or any committee of either House, or any joint committee of the Congress of the United States, or who corruptly or by threats or force, or by any threatening letter or communication shall influence, obstruct, or impede, or endeavor to influence, obstruct, or impede the due and proper administration of the law under which such proceeding is being had before such department, independent establishment, board, commission, or other agency of the United States, or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress of the United States shall be fined not more than $1,000 or imprisoned not more than 1 year, or both."

Mr. President, it is common knowledge that witnesses appearing before various governmental boards, commissions, and agencies, and before committees of Congress, have been mercilessly muckraked. They have been asked questions which would be subject to objection in court, questions which were immaterial, incompetent, and irrelevant. In some instances they have been required to give hearsay testimony. I do not perceive any reason why the same safeguard which is thrown around witnesses who appear in the Federal courts should not be thrown around witnesses who appear before boards, commissions, and committees of Congress.

With due propriety and humility, I say that it seems to me that House bill 6832 should be considered following the adoption of the pending resolution. I would not conceal from the Senate, even if I could, the fact that three or four Senators—I shall not name them—whom I regard as among the ablest lawyers in this body, do not view the bill with favor. However, it seems to me if they will reflect again they will see the necessity for the bill.

Mr. JOHNSON of California. Mr. President——

Mr. ASHURST. I yield to the Senator from California.

Mr. JOHNSON of California. I was the one who made the objection to the bill yesterday. Today I have withdrawn the objection. I wish the Senator to know that.

Mr. ASHURST. I think the Senator was on perfectly safe ground, knowing him as I have known him for an entire lifetime. So far as I know, he has never given his consent to any proposal without examining it. I am not surprised that the Senator sought, on such a serious matter, at least 24 hours to consider the question. Far from considering that deserving of obloquy, I think it is worthy of commendation.

While I am on my feet, I will say that a particular duty has been cast upon me. I make no apology for the fact that I am very proud of the position I hold. I make no pretense at concealing the fact that I would rather be chairman of the Senate Committee on the Judiciary than to hold any other position.

Mr. President, there is another matter which I wish to bring to the attention of the Senate. I do so with reluctance on this occasion for the reason that, again, some of the ablest Members of the Senate opposed the bill, and for the further reason that it embraces a subject of which I know nothing.

It is a great vice to pretend knowledge when one has none, and it is an equally great vice to pretend ignorance when one has great knowledge. On the subject of admiralty and maritime law, no ignorance could transcend my own.

In the Senate Committee on the Judiciary I frequently, if not always, depend upon the sagacity and judgment of members of that committee who are familiar with maritime and admiralty law. There is a situation to which I wish to invite the attention of the two Senators from California, because the matter is critical in that State.

Outside the 3-mile limit, off the coast of southern California, floating palaces have been anchored. In those palatial gambling ships one may hear the whirl of the roulette wheel and the thud of the ivory dice and poker chips above the bacchanalian orgies. As I see it, California has no power to stop that activity. Motor taxis convey citizens to the gambling ships.

The House of Representatives has passed a bill authorizing the Federal Government to deal with the question. The bill has come to the Senate, and the Senate Committee on the Judiciary has discussed it. Some members of the Committee on Foreign Relations are also members of the Senate Committee on the Judiciary. The matter involves, of course, the question of extending the 3-mile limit. So I shall not discuss the bill, because again, with all my vices, I have never presumed ignorance when I had information, or presumed knowledge when I was ignorant. Being ignorant of maritime and admiralty law, I leave it until tomorrow for the consideration of Senators who are familiar with the subject. However, Mr. President, I should like to read a telegram which has come to me from the Attorney General of California, dated July 28, 1939, addressed to myself. It is as follows:

LOS ANGELES, CALIF., *July 28, 1939.*

Hon. H. F. ASHURST,
Chairman, Judiciary Committee,
United States Senate, Washington, D. C.:

Your favorable consideration of gambling-ship legislation is earnestly requested. California, with approximately 1,000 miles of shore line, is particularly vulnerable to the activities of such ships which have no other purpose than to nullify the State laws against illegal gambling. By anchoring more than 3 miles from shore they create jurisdictional as well as practical problems of enforcement. State and local authorities are now engaged in attempting to overcome these difficulties, but a Federal statute such as that proposed would automatically eliminate the source of trouble. Should you desire information concerning the scope of activities or any other assistance, this office will gladly comply.

EARL WARREN, *Attorney General.*

I have had the able support of the senior Senator from California [Mr. JOHNSON] and the junior Senator from California [Mr. DOWNEY]. I say again that I shall ask the Senate to consider the ship-gambling bill tomorrow. I shall not be able to participate in the debate. If any man in the Senate could debate without information, I would be that man. However, I do not choose to do so; and tomorrow I shall ask the senior Senator from California to bring up the bill for consideration.

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

Mr. ASHURST. Certainly.

Mr. CLARK of Missouri. There certainly is no Member of the Senate for whose opinion I have greater respect than I have for that of the very erudite and learned Senator from Arizona [Mr. ASHURST]. I merely wish to ask the Senator from Arizona if he considers that the question of vessels anchored outside the 3-mile limit has anything to do with the question of the amount of money which should be appropriated for this Senate committee.

Mr. ASHURST. Mr. President, first I express my grateful thanks to the learned Senator from the State of Missouri; and I am not so obtuse as to fail to perceive the implied and rather just rebuke which his words convey.

Mr. CLARK of Missouri. Mr. President, if the Senator will permit me, I should like to say to the Senator from Arizona that no rebuke is intended, because no Senator who has ever served with the distinguished Senator from Arizona ever had the slightest notion of rebuking him.

Mr. ASHURST. Mr. President, I should consider anything the Senator from Missouri said to me as instruction, wise admonition; but I was going to say that I apologized in advance, and said it was possible that I might discuss some subjects not directly related to the pending resolution. I do not wish to delay action on the resolution. I have now discharged my duty to my committee, the Committee on the Judiciary, and I have discharged my duty to the country, by laying before the Senate this bill, H. R. 7235, which has to do with the gambling ships. I am not oblivious to the fact that the bill, in my judgment, should have gone to the Committee on Foreign Relations, of which committee the erudite Senator from Missouri is a worthy member; but I hope that before Congress adjourns they will give consideration to this bill.

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

Mr. ASHURST. I yield to the Senator from Kentucky.

Mr. BARKLEY. I am familiar with the first bill to which the Senator referred, which was briefly under consideration a day or two ago.

Mr. ASHURST. The Senator is correct.

Mr. BARKLEY. At that time the Senator from California objected because he wanted to look further into it.

Mr. ASHURST. That is correct.

Mr. BARKLEY. And the Senator will recall that there was a difference of opinion at that time as to the interpretation of the bill.

Mr. ASHURST. The Senator's statement is correct.

Mr. BARKLEY. I have made what little contribution I could to confirm the Senator's interpretation of that bill, and I am delighted that our interpretation now has been further confirmed by the judgment of the Senator from California. I think the bill ought to pass, and I shall be glad to cooperate tomorrow with the Senator to try to have it considered.

Mr. ASHURST. Let me say in reply that the contribution made by the able Senator from Kentucky was not a "little" contribution, but he shed much light on the question.

Mr. KING. Mr. President——

Mr. ASHURST. Begging the pardon of the Senator from Utah, the Senator from Utah yesterday did that which well became him, and for which I hold him in the highest respect—it is the habit of his lifetime—never to give precipitous consent to a matter without some investigation; and when the able senior Senator from Wyoming [Mr. O'MAHONEY] sought to have the bill passed the Senator from Utah, joining with the Senator from California, asked—which was perfectly proper—further time for consideration, because it is only when such light as those Senators may throw upon the subject has been afforded that I feel I am perfectly secure. I hope the able Senator from Utah has finished his examination, and I now yield to him.

Mr. KING. Mr. President, with respect to the second bill to which the Senator referred——

Mr. ASHURST. That is the so-called ship-gambling bill, I may say.

Mr. KING. That question, or one analogous to it, was brought before the Finance Committee some time ago; and I drafted a bill under the terms of which the United States was given jurisdiction over waters beyond the 3-mile limit. As a result of that jurisdictional authority we closed the ships that were bringing in liquor and were anchored 12 miles out; we brought them under the control of the United States; we drove every one of those ships from the high seas, and we stopped the importation of liquor from them.

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

Mr. ASHURST. I yield to the Senator from Missouri.

Mr. CLARK of Missouri. I should like to add, in closing this debate, that during my brief tenure in the Senate there has never been any proposition coming out of the Committee on the Judiciary sponsored by the Senator from Arizona in which I did not resolve all my doubts in favor of the recommendation of the Senator from Arizona, and I have never had any reason to regret it.

Mr. ASHURST. Mr. President, I am grateful and humble in view of these kind remarks. I shall presume to ask the Senate, after the pending resolution is disposed of, to take up and consider the witness bill.

Mr. BARKLEY. Mr. President, if the Senator will yield, there are some small matters which are scheduled, if possible, to be disposed of tonight. I desire to cooperate with the

Senator, and I will do so, but at the present time I hope the Senator will not insist on his request.

Mr. ASHURST. I yield to the superior judgment of the Senator from Kentucky.

Mr. BYRNES. Mr. President, the Committee on Civil Liberties was authorized in 1936 to conduct an investigation with an authorized appropriation of $15,000. From year to year since 1936 the appropriation has been increased, and the committee has received a total of $150,000.

Last year, as has been stated upon the floor once or twice, the committee asked for an additional appropriation of $50,000, and the two members of the committee came before the Committee to Audit and Control the Contingent Expenses of the Senate and stated at that time that if the $50,000 were granted, they would not ask for a further appropriation, and upon the floor of the Senate the same statement was made. They have lived up to that statement. Neither the Senator from Wisconsin nor the Senator from Utah [Mr. THOMAS] submitted a resolution for another appropriation.

My recollection is that last year, when the Civil Liberties Committee asked the Committee to Audit and Control the Contingent Expenses of the Senate for the $50,000, they stated that $25,000 was to be used for an investigation of the violation of civil liberties in California. It was thought by them at that time certainly that that would be a sufficient amount for that investigation. Members of the committee have stated upon the floor that certain proceedings were had, certain investigations made, and no report filed.

In this Congress the Senator from Washington [Mr. SCHWELLENBACH] submitted a resolution, which is now pending before the Senate, asking for $100,000, to increase by that sum the limit of expenditures of the Civil Liberties Committee.

In the original resolution the Committee on Education and Labor is given the right to call upon the departments of the Government for clerical and other assistance in its inquiry.

When this resolution came before the committee I was of the opinion that because of the matters set forth in the resolution to investigate violations of free speech and assembly and interference with the right of labor to organize, the Department of Justice should conduct the investigation, in view of the fact that the Department of Justice this year had established for the first time, in the criminal section, a separate division charged with the investigation and prosecution of violations of civil liberties.

Believing that, when the Appropriations Committee was considering the appropriation for the Department of Justice, after the committee had acted and had recommended the appropriation of the entire sum requested by the Department of Justice, I presented to the Appropriations Committee the view I have now expressed to the Senate. I stated that this investigation had been made, that $25,000 had been spent, that another resolution was pending, and that I believed that if there were violations in California of the civil liberties of individuals an investigation should be made, there should be a prosecution, and the Department of Justice should be given money to make the investigation and conduct the prosecution. Without a Budget estimate, upon my request, the Appropriations Committee increased the amount for the criminal division of the Department of Justice by $20,000, with the specific provision that of the total amount $50,000 should be available for the investigation and prosecution of violations of civil liberties.

I believed that that would be done. In a conversation with the Attorney General I certainly was informed that the money would be used for that purpose; and the Attorney General advised me that some members of this particular division in the criminal section had been assigned to the investigation of conditions in California.

Subsequently, the Senator from Washington [Mr. SCHWELLENBACH] placed in the RECORD a statement by the Attorney General that for some reasons which I do not now recall he did not believe he could adequately or satisfactorily perform the duties expected of him by the committee, and that he believed the Senate should appropriate an amount for the Senate committee to continue its investigation. The Attorney General did not come before the Committee to Audit and Control the Contingent Expenses of the Senate. He expressed a desire to do so; but inasmuch as in the last days of the session we were hurried, I asked the Senator from Washington to repeat in substance the statement of the Attorney General, which he did.

It satisfied me that in view of the fact that a standing committee of this body had asked for a continuance of the investigation, in view of the fact that the Attorney General said he could not use the money or was not going to use the money for the purpose we expected in the manner that we thought it could be used, and inasmuch as he was urging that the Senate continue the investigation, this resolution should be reported. The members of the Committee to Audit and Control the Contingent Expenses of the Senate determined that they would submit the matter to the Senate, for determination by the Senate.

The committee were of the opinion that in view of the fact that the resolution asked for $100,000, and that the Department of Justice under the appropriation bill already had $50,000 for this purpose, they were liberal in recommending that not exceeding $50,000 should be made available at this time. That is how and why the resolution is now before the Senate.

I call attention to the fact that under the original resolution, copy of which I have on my desk, in addition to the $50,000 which is made available by the resolution, the committee can call upon the department for clerical and other assistance. I think the committee has been liberal in its recommendation, and I ask that the committee recommendation be agreed to.

Mr. BARKLEY. Mr. President, I do not wish to delay a vote on this matter, because there are three or four other matters which I hope we may dispose of tonight, including an additional resolution from the Committee to Audit and Control the Contingent Expenses of the Senate.

I wish to say that I have been somewhat familiar with the investigation carried on by the Civil Liberties Committee, particularly as one phase of it related to my State. I shall not go into that, because it is unnecessary, and the hearings disclose what was revealed, and the newspapers have carried reports about it. But I believe I am justified in saying that if this committee had done nothing except to contribute to what I hope will be permanent peace and accord in one county in the State of Kentucky, which has been involved to some extent in this investigation, the entire amount expended by the committee would be justified.

I am wondering whether, after all, the $50,000 recommended by the committee is not sufficient at this time. I do not know anything about the situation in California; I do not know what an investigation there will reveal. I am satisfied that after the expenditure of this sum, if there is any "pay dirt" out there, the Senate will be willing to increase the amount. But for the time being, for the time until Congress meets in January, I rather have a feeling that the $50,000 recommended is sufficient and that it ought to be agreed to. I am wondering whether the author of the resolution feels that probably this amount would be sufficient.

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

Mr. BARKLEY. I yield.

Mr. SCHWELLENBACH. I desire to answer the question, but to make just a preliminary statement first.

My connection with this part of the investigation came from the revealing to me last summer of conditions which did not involve the Associated Farmers, and did not involve particularly the State of California at all, but did involve very definite violations of civil liberty and civil rights. I came back last January with a determination to try to induce the committee, which I knew from what had occurred last year had had some appropriation for an investigation on the Pacific coast, to consider what I had formerly presented on a 1-day visit to Washington last summer.

I found that the committee had gone to California, had expended most of its money in the preliminary investigation there and that the members of the committee found themselves estopped from asking for further funds.

I later presented this resolution. Before I offered it, naturally I went to the two members of the committee and asked them how much they thought they should have in order to continue what was preliminarily done last summer, and in order to investigate generally the conditions on the Pacific coast. They prepared an estimate after consulting with the people who were employed by the committee, which, as I remember was $105,000. I chopped off the $5,000, and presented the resolution for $100,000.

When the matter was presented to the Committee to Audit and Control the Contingent Expenses of the Senate a few days ago, I naturally asked for no amount. So far as I am personally concerned, I am not in a position to know what amount may be necessary. The committee decided upon $50,000. The Senator from Wisconsin [Mr. LA FOLLETTE] sincerely believes that that is not sufficient, and that the original $100,000 figure should be retained.

Frankly, I will say my own position is that approximately 4 working months will probably ensue between now and the time we will convene again in January, that is, it will take a couple or three weeks for the committee to get started, and Christmas week coming at the end of the time, it seems to me it should be possible under those circumstances to operate, and that the $50,000 ought to be sufficient. My personal feeling is that I certainly am not willing to risk the entire question of investigation by a dispute between the sums of $50,000 and $100,000.

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

Mr. BARKLEY. In just a moment. I wish to say, in connection with what the Senator from Washington has stated, that I do not think the committee is bound either morally or legislatively or legally by the statement they made previously that they had no intention of asking for additional funds. I think any committee can, in good faith, make a statement of that sort and then discover later that it does need funds, and they violate no obligation in asking for them. I appreciate the fact that neither member of the committee has asked for this additional sum, but that should not in any way stand in the way of the Senate granting it, if it is needed, and will serve a good purpose.

I do not consider myself in any way obligated to vote against the increased amount, because the members of the committee went before the Committee to Audit and Control previously and indicated that they would not need any more. But I do feel that, in the situation which now exists, we can legitimately consider whether this amount is necessary to carry on until it may be determined later whether an additional sum is needed.

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

Mr. BARKLEY. I yield.

Mr. BYRNES. Since the time the Senator from Washington offered his resolution, and I know he will recall it was offered in February, the $50,000 has been made available to the Department of Justice, and the Senator may not have known that at the time.

Mr. SCHWELLENBACH. Mr. President, I am perfectly frank in recognizing, so far as that matter is concerned, the fact that the Department of Justice has this money available, but I do not think that is a complete answer; I do not think it completely eliminates the necessity for further work of the committee. I cannot say frankly that that does not affect me so far as the question of the amount is concerned.

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

Mr. BARKLEY. I yield.

Mr. CLARK of Missouri. Has the Senator from Kentucky or the Senator from Washington or the Senator from South Carolina ever before heard of an instance in which a committee came before the Senate and, in the closing days of a session, refused an appropriation of $50,000 for the continuation of their services during the interim and demanded that $100,000 be appropriated?

Mr. BARKLEY. I may say to the Senator from Missouri that I do not know whether any such instance ever occurred or not——

Mr. CLARK of Missouri. The Senator has been in Congress for a long time, and I should be very glad to have him give such an instance.

Mr. BARKLEY. I do not recall such an instance; but I would not be bound by that, if there never had been such an instance. I would not feel that I was obligated to disregard this request if the money were needed.

Mr. CLARK of Missouri. I should be very glad to have the Senator tell the Senate, if he will, just exactly what peculiar circumstances are connected with this committee which require twice as big an appropriation as has ever been made in the history of the Senate for the continuation of an investigation.

Mr. BARKLEY. I am not urging twice the amount that has ever been appropriated.

Mr. CLARK of Missouri. That is the proposal that has been urged here with regard to the committee amendment.

Mr. BARKLEY. The resolution was presented for $100,000, and the Committee to Audit and Control reduced it to $50,000, and I am supporting the amendment I am going to vote for the amendment.

Mr. CLARK of Missouri. Has the Senator ever heard, in his whole experience in either the House or the Senate, of as liberal a provision for the continuation of a committee during the interim?

Mr. BARKLEY. I would not like to make a comparison between this and other instances.

Mr. CLARK of Missouri. Has the Senator ever heard of such an instance?

Mr. BARKLEY. I do not know whether I have or not. If I have, I have forgotten it.

Mr. CLARK of Missouri. For the continuation of a committee to the next session of the Congress?

SEVERAL SENATORS. Vote! Vote!

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

Mr. BANKHEAD obtained the floor.

Mr. SMITH. Mr. President, if the Senator will yield to me a moment, I am one of the few members of this body who is not a lawyer, but I never had my attention called to this roving grand jury before. In the face of State courts, Federal courts, and every form of legal authorization to take care of the citizen, we appoint from the Senate a body who must go out and, in the face of all the reserved powers of the States and their jurisdiction, adduce evidence concerning the infringement of civil liberties.

It is a discredit to all the States, it is a discredit to the jurisdiction of our legal department that we take two men, or four, or a dozen, and have them snooping around throughout the several sovereign States to investigate and ascertain whether some citizens of a State have been denied civil rights.

What in the name of God have we come to? Discredit of State courts, discredit of Federal courts, selecting at our pleasure a snooping committee, a smelling committee, to go around and inquire of different ones, "Have your civil liberties been interfered with?"

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

Mr. SMITH. I yield.

Mr. CLARK of Missouri. I should not like to have anything I said in the last few minutes with regard to the amount to be appropriated for the continuation of the investigation to be taken as indicating that I am in sympathy with the remarks made by the Senator from South Carolina. I think this committee, if they never did anything else, in their disclosure of conditions in Harlan County, Ky., performed a great service, and I am perfectly willing to give them all the money that is necessary to carry them on until the next session of Congress. I am not willing to give them at one swoop two-thirds as much money as they spent in 3 years.

Mr. SMITH. Mr. President, I do not feel that it is my duty to defend Kentucky; she is a royal, good State; and though she had this unfortunate condition within her borders, she was amply able to cope with it, and would have coped with it, but we rushed in.

Mr. CLARK of Missouri. They never have.

Mr. SMITH. That does not mean they never will.

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

Mr. SMITH. I yield.

Mr. BARKLEY. I do not care to get into a controversy about what happened in Harlan County, but I wish to say that conditions existed there which had not been coped with because of the peculiar industrial situation in that county, where scores of deputy sheriffs were appointed, paid for by coal companies, who owed their allegiance to the coal companies, but took the oath of allegiance to the State, and in political campaigns promises had been made to pass legislation covering that situation. Of course, it is true that the legislature could have acted, but they did not, and it was only after this committee made the investigation and called the attention of the entire State to conditions which most people did not realize existed that the legislature then passed a law attempting to correct the situation.

Mr. SMITH. I regret to hear the Senator make that statement.

Mr. BARKLEY. It is the truth.

Mr. SMITH. Exactly, but the Senator is admitting that Kentucky is not worthy of State rights.

Mr. BARKLEY. Oh, no.

Mr. SMITH. That they have to go to the Federal Government to correct an intolerable condition.

Mr. BARKLEY. If the Senator will yield, a situation existed in Colorado years ago, and the House of Representatives appointed a committee to investigate conditions pertaining to the Colorado Fuel & Iron Co. A distinguished Representative from my State, the Honorable Ben Johnson, whom the Senator knows, and with whom he served in the House, was the chairman of the committee. The committee brought to light the existence of conditions which the people in Colorado probably did not fully understand, and certainly the people of the United States did not.

I think these investigating committees have served a useful purpose, and it is no reflection upon a State to say that local conditions were such that they either did not understand them or were unable to cope with them until the people of the entire State were made familiar with them, and brought influence to bear upon the legislature of the State to deal with them.

I will say, furthermore, that in part as a result of the investigation in Kentucky, the Federal grand jury indicted a large number of people, and nearly 3 months were spent in the trial of those cases, which resulted in a hung jury. I dare say that if it had not been for the investigation of the La Follette committee, and the Department of Justice under the civil rights activities of the Department, these indictments might never have been brought by the Federal grand jury. I believe that through the mere exposé of those conditions, although no one was convicted in the trial as the result of a hung jury, and as a result of the widespread knowledge which these investigations and these indictments brought to the people of the entire country, as well as to the people of my State, the situation there has been and will continue to be no longer one which will cause humiliation to anyone in this country.

Mr. SMITH. Yes, Mr. President, but because of sectional influence we are setting a precedent which will result in eliminating the intiative of the officers of the States.

Mr. WHEELER and Mr. WAGNER rose.

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair). Does the Senator from South Carolina yield; and if so, to whom?

Mr. SMITH. I will take them on one at a time. [Laughter.] I yield first to the Senator from Montana.

Mr. WHEELER. I wish to call attention to the fact that a few years ago there was a coal strike in the State of Pennsylvania and the senior Senator from California [Mr. JOHNSON] introduced a resolution in the Senate to provide for a Senate committee investigation of that coal strike and the conditions in the State of Pennsylvania surrounding the strike area, as well as in Kentucky and West Virginia.

A Republican Senate agreed to the resolution, and a Republican Vice President appointed the committee. He appointed as chairman the late Senator Gooding, and Senator Metcalf, of Rhode Island, and Senator Pine, of Oklahoma, as well as the Senator from New York [Mr. WAGNER], and myself. We went out in the field and investigated the conditions in the great State of Pennsylvania as well as other States. We found the conditions to be deplorable. What we found was brought to the attention of the country, and resulted, in my judgment, in great improvement in the situation with respect to the coal miners and the coal industry in those States.

The Senator speaks of grand juries, and he speaks about State court juries, and so forth. The same argument was made on the floor of the Senate at the time of the Teapot Dome investigation. We heard the same argument advanced at the time of the Daugherty investigation. All the Republican newspapers across the United States of America from one end to the other denounced the investigation of Daugherty and the Department of Justice until certain things were pinned upon Daugherty, and after that grand juries here in Washington and in other places conducted investigations.

Mr. SMITH. Mr. President, let me make my speech now.

Mr. WHEELER. Very well. I shall make mine later.

Mr. SMITH. Since that nefarious condition was found in Pennsylvania it has gone Democratic, and now it is a "Garden of Eden," so I hear. I hear they have their civil rights to such extent that a misdemeanor or a felony——

Mr. JOHNSON of California. I ask the Senator from Montana how much money was accorded to that investigation which I fathered?

Mr. WHEELER. Not much.

Mr. SMITH. Mr. President——

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

Mr. SMITH. I yield to the Senator from California.

Mr. JOHNSON of California. I wanted to ask the Senator from Montana a question. In the investigation which he says I fathered in Pennsylvania, how much money was accorded?

Mr. SMITH. Do not let us start the Senator on a speech. He can answer that later.

Mr. JOHNSON of California. But it was a very small sum.

Mr. WHEELER. I think it was $25,000 to begin with.

Mr. JOHNSON of California. Two thousand five hundred dollars, from all I gathered.

Mr. WHEELER. Oh, no.

Mr. JOHNSON of California. There was another investigation, which I conducted by myself. That was the investigation into the rotten bonds of Latin America. I sat for a period of 2 months with the Finance Committee. Does the Senator know how much money I had with which to conduct the investigation? I did not have a solitary penny. The only money expended was money paid for stenographer's fees.

Mr. SMITH. Mr. President, all these instances which are cited are deplorable, but we are rapidly drifting into a centralized government. We are almost right now in a condition of State socialism. So far as I am individually concerned, I would rather have the States work out their own salvation or damnation through their own efforts than to do away with, as we are gradually doing away with, the power of the local courts and Federal courts.

I have no idea of the scope of this committee. It is determining questions which are absolutely under the jurisdiction of the Department of Justice and the different State courts. But it seems we have to erect over those courts now a supercourt, which is granted the money and the power to investigate without any particular reference to the judicial temperament of the investigator, and find certain conditions,

exploit them abroad, and do those things which are sacred to the States.

I am not palliating the terrible conditions that exist in some very provincial and backward States. Those States may go on, they may advance after a while, and they should be given a chance to do so. I recognize that those States which for so long a time were Territories, got into the habit of looking to Washington for everything, and they do not feel the pride and grip of sovereignty as do the Thirteen Original States which won the glorious privileges we now enjoy.

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

Mr. SMITH. I yield.

Mr. BURKE. I thought from the Senator's remarks that he was referring to some of the newer States as not being quite in the class with the Thirteen Original States. I should like to say, however, to the Senator from South Carolina, in sharp difference to the opinion expressed by the Senator from Kentucky, that I would consider it a very serious reflection upon my State of Nebraska if the Senate were to send what the Senator has so aptly described as a roving jury of two Senators to investigate civil liberties in my State. I want to put Nebraska in the same class as the original 13 States as able to look after its own civil liberties.

Mr. SMITH. And if Nebraska will continue to elect such men as the one who has just spoken, she will never get out of the proud category of States'-rights States.

Mr. President, I have sat here and witnessed the steady drift toward centralization. George Eliot, in one of her great novels, pictures a certain character who deviated at first so slightly from the line of right that the angle that differentiated between right and wrong was almost negligible, but, projected through a long life, he reached the very depths of degradation without the sense of falling.

Mr. President, we have deviated and are now deviating from the glorious principles of our dual form of government. We have deviated from the bedrock of democracy, of individualism, the right to be the captain of one's own soul, and have drifted rapidly into collectivism, and then into state socialism. We have drifted so far that men will stand on the floor of the Senate and plead for things which are obnoxious to the very form and foundation of our Government. Senators say that conditions wholly within the jurisdiction of a State have become so obnoxious that neither the Federal courts nor the local courts can unearth them, but we can send a snooping committee, a political committee, which will uncover and correct them.

No, Mr. President; I would rather suffer the ills of bloody Kentucky, or the tremendous scandals of Teapot Dome, than to have to give up the key by which can be opened the door to centralization and Federal control of this great country of ours.

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

Mr. SMITH. I yield.

Mr. BURKE. Reference has been made to the Teapot Dome investigation two or three times this evening as if that were comparable in some degree to this proposal. Of course, there is no comparison. There was a proposal to investigate a Federal official, the Secretary of the Interior of the United States, and others connected with the Federal Government. That was not a matter of sending a roving grand jury out into a State to investigate the violation of civil liberties within the State.

Mr. SMITH. In addition to that, the matter related to Government property. It was a matter which justly belonged to a congressional investigating committee. But think of what is involved in this Civil Liberties Committee. As I said in reference to the great State of Pennsylvania, she obtained so much civil liberty that she wanted to open the door of public places of amusement and entertainment to our brothers in black.

Now I want to say something about that question. I may never have the opportunity again. I and the people of the South are charged with Negro baiting and Negro mistreatment. I want to say to this body that I think my debt of obligation to the race to which I belong forever forecloses the possibility of my acknowledging either by law or by social custom the equality of that race which from the dawn of creation till now has never shown the least of our characteristics.

The building in which I stand, the splendid advancement of the discoveries of science, the magic touch, the gift of the gods, to our inventive geniuses proclaim the glory of the race to which we belong. We are under obligations to that race for all we have. We are under obligations to it for the Christ that came. Yet for miserable political reasons we are ready to pass a law to inject into the bloodstream of our splendid history this inferior race. You are not acknowledging your obligation to the race that has glorified the world when you do that. You are not acknowledging your obligation to that splendid breed that has been clothed in glory which has made us a little lower than the angels. But for miserable political reasons you are ready to inject into the bloodstream of our splendid social and political system the vicious part of a nation that through all the history of the world has never moved a step forward from the dawn of creation. It is not a local question with me. It is a question which involves the future of the grandest race that God ever created.

I wish each and every Senator would read the marvelous book by Madison Grant called The Passage of a Great Race—passing because of miserable politics.

Mr. President, as I stand here today I know I am a voice crying in the wilderness; but I am responsible for the voice and the cry thereof. I plead for the fundamental principles upon which our Government has been founded, and by which it has gradually risen to the splendid proportions of today; and I will not add, through so-called emergency, to the disruption of the system which has been the envy and the despair of every other nation on the earth. No; I am called reactionary. If being a reactionary means having a devotion to the fundamental principles of a genuine republican form of government in the broad sense in which the foundations of our Government were laid, I glory in the epithet, if it may be called that.

Mr. President, I know it has been said that our Constitution has become effete, that it has outlived its usefulness. If so, then truth has become effete, human nature has changed, and the fundamental principle of man's relation to man has disappeared within the past generation. If the Bill of Rights, the inalienable rights of the individual as written in our Constitution, had been written during the time of the canonizing of the Bible, it would have been said to have been inspired by God. It was; but it has not the halo of sacredness around it that the 10 moral commandments have. Yet those 10 articles of the Bill of Rights are as eternal and unchangeable as the Ten Commandments written on Sinai.

We sit here, and in the heat of debate and under the urge of politics we trifle with the most precious thing ever given to mankind, the Constitution of the United States.

Mr. President, it was no empty thing when I stood before the Vice President and swore to support and defend the Constitution of the United States against all enemies, foreign and domestic—in the Government, as the Senator from North Carolina [Mr. BAILEY] suggests. May my right arm forget its cunning, and my tongue cleave to the roof of my mouth, if I ever by vote, word, or act cast aspersions upon that instrument, or bow down to the interpretation of it which is now advocated in some quarters.

If I were President of the United States or Governor of my State I would make it obligatory upon every school supported wholly or in part by public funds to teach the Constitution of the State and of the United States, the reserved and delegated powers of States, and the protection of the individual against the majority. I would make them draw a sharp comparison between the Government of the United States and the governments of other countries which are always in turmoil and confusion.

Mr. President, I will not vote one penny to this roving grand jury. It may do some good; but it is fraught with more evil in the years to come, to make us forget our States and their authority, and our courts and their authority. If

the committee were investigating something particularly pertinent to Congress, it would be a different matter. As for me, I shall adhere to the fundamental principle of our dual form of government and the sacredness of the individual.

SEVERAL SENATORS. Vote! Vote!

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

The amendment was agreed to.

The PRESIDING OFFICER. The question now is, Shall the resolution, as amended, be agreed to? [Putting the question.] The "ayes" seem to have it.

Mr. HARRISON. Mr. President, I ask for a division.

Mr. WAGNER rose.

Mr. LA FOLLETTE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WAGNER. 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	Davis	Lee	Sheppard
Andrews	Ellender	Lodge	Shipstead
Ashurst	George	Lucas	Smith
Austin	Gerry	McCarran	Stewart
Bailey	Guffey	Mead	Taft
Bankhead	Gurney	Minton	Thomas, Utah
Barkley	Hale	Neely	Townsend
Bulow	Harrison	Nye	Truman
Burke	Hatch	O'Mahoney	Van Nuys
Byrd	Hayden	Pepper	Wagner
Byrnes	Herring	Pittman	Walsh
Capper	Johnson, Calif.	Radcliffe	Wheeler
Clark, Mo.	Johnson, Colo.	Russell	White
Connally	King	Schwartz	
Danaher	La Follette	Schwellenbach	

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present.

The question is, Shall the resolution, as amended, be agreed to?

Mr. CLARK of Missouri. Mr. President, since I was engaged in the debate at an earlier stage of the proceedings this evening on the question whether $50,000 or $100,000 should be appropriated for the continuation of the work of the committee, I should like to announce that I am in a very embarrassing position in which a man is very rarely put, that of having listened to a very eloquent speech on the same side of the proposition on which he originally was and at the conclusion of that speech winding up on the other side of the question. Mr. President, the only question with me at the inception of the debate this evening was the question whether the committee should be granted $50,000 or $100,000. I think $50,000 is a liberal allowance for the committee between this time and the next session of Congress. The committee having spent $150,000 in the course of 3 years, it seems to me it is an act of effrontery on the part of the committee to come in and ask for $100,000 and to reject the offer of the Auditing Committee of $50,000.

Mr. President, after hearing the speech made by my very dear and distinguished friend from South Carolina [Mr. SMITH] this evening, attacking the whole work of the committee and denying the right of the Senate of the United States to make an investigation into matters which most dearly concern the rights of citizens of the United States under the Bill of Rights and the Constitution of the United States, I am perfectly willing to vote for an appropriation of $200,000 if it is necessary. This is one of the few times in my life when I have listened to a very eloquent speech by a very dear friend of mine and have been completely convinced on the other side.

Mr. President, I say that if the committee had done nothing except to expose the violation of the rights of American citizens in Harlan County, Ky., it would have justified all the expenditures which have been made, and much more.

I glory in the statement of the Senator from Kentucky just a few minutes ago that he welcomed such investigations by a Senate committee or anybody else in Kentucky. I think we have some conditions in Missouri which may call for an investigation, and I shall welcome the committee into Missouri. I believe $50,000 is as much as the committee can legitimately spend before the beginning of the next session.

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

Mr. CLARK of Missouri. I gladly yield to the Senator from Illinois.

Mr. LUCAS. As one who is more or less new in the United States Senate, and not knowing very much about the previous activities of this committee, I should like to ask the Senator from Missouri if he can answer the question as to how much money heretofore has been appropriated for the activities of the committee.

Mr. CLARK of Missouri. I heard the statement on the floor by the chairman of the committee, who is now in the Chair, that about $150,000 had been appropriated and spent.

Mr. BYRNES. Mr. President, $150,000 has been appropriated and spent.

Mr. LUCAS. In what time?

Mr. CLARK of Missouri. In 3 years; and I think the Committee to Audit and Control the Contingent Expenses of the Senate has been very liberal. I entirely agree with the committee that a further allowance of $50,000 is a very liberal allowance. That is the position with which I started in this debate; but I would not have it supposed for a minute that the fact that I think $50,000 is all the committee can legitimately spend before they have an opportunity to come back to the Congress and ask for more money is any reflection at all on the activities of the committee in investigating into conditions which have been a disgrace not only to certain States but to the United States.

Mr. LUCAS. Mr. President——

Mr. CLARK of Missouri. I am glad to yield to the Senator from Illinois.

Mr. LUCAS. Am I to understand that a committee of this kind is appointed for the purpose of making an investigation upon which legislation may ultimately be predicated?

Mr. CLARK of Missouri. I understand that to be true.

Mr. LUCAS. Has any legislation been initiated upon the part of the committee or of the Congress as the result of this 3 years' investigation?

Mr. THOMAS of Utah. Mr. President——

Mr. CLARK of Missouri. Mr. President, I should be unable to say as to that. I shall be glad to yield to the Senator from Utah [Mr. THOMAS], who is a member of the committee, to answer the question; but I can say, from experience as a member of certain investigating committees, that it is always very difficult for a committee to recommend legislation until they have had an opportunity of concluding their investigation.

Mr. LUCAS. Three years seems to me to be quite a little while.

Mr. CLARK of Missouri. That, of course, depends on the length of time necessary for the investigation.

I am glad now to yield to the Senator from Utah.

Mr. THOMAS of Utah. Mr. President, I call attention to the fact that on the calendar, as No. 941, there is Senate bill 1970, introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] and myself, a bill to eliminate certain oppressive labor practices affecting interstate and foreign commerce, and for other purposes.

Mr. LUCAS. Mr. President, let me ask the Senator from Utah, if I may, how long that bill has been on the calendar?

Mr. THOMAS of Utah. The bill has been on the calendar, I should judge as the result of its number, about 3 or 4 weeks. The hearings on the bill were held during the past 2½ months; and it may be of interest to the Senator to know that no one appeared against the passage of the bill.

Mr. LUCAS. Am I to understand that this one bill is the only piece of legislation which has been initiated upon the part of the special committee as a result of 3 years of investigation?

Mr. THOMAS of Utah. It is the only piece of legislation which so far has found a place on the calendar of the Senate.

Mr. LUCAS. And, if I correctly understand, this additional money is for the purpose of continuing the investigation upon which legislation may be predicated in the future.

Mr. CLARK of Missouri. Mr. President, let me ask the Senator from Illinois a question. Is the Senator in favor of cutting off this investigation?

Mr. LUCAS. I will say to the Senator from Missouri that I am trying to get some information in order that I may intelligently cast a vote upon the appropriation.

Mr. BANKHEAD. Mr. President——

Mr. CLARK of Missouri. I am very glad indeed to yield to the Senator from Alabama.

Mr. BANKHEAD. I should like to ask the Senator whether he has taken into consideration the statement of the junior Senator from South Carolina [Mr. BYRNES] that $50,000 has recently been especially earmarked in the appropriation bill for the investigation by the Department of Justice of violations of civil liberties, and whether the Senator thinks the Department is incompetent, and that that is an inadequate amount to serve this purpose.

Mr. CLARK of Missouri. I will say to the Senator from Alabama in all kindness to the Department of Justice that if the Department of Justice has earmarked $50,000 for this purpose during the past 2 months, it has been in response to the pressure of this Senate investigation. It is something that has been the duty of the Department of Justice for lo these many years, under Republican Attorneys General and under Democratic Attorneys General. If they have only done it in the past 2 months I should prefer to continue the activities of this committee, in order to be very certain that the Department of Justice will carry out those investigations.

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

Mr. CLARK of Missouri. I yield to the Senator from New Mexico.

Mr. HATCH. I desire to ask the Senator from Missouri if in this day, when civil liberties are practically eliminated from the face of the earth except in the United States of America, we can weigh the price of the civil liberties of any citizen of this country in dollars and cents?

Mr. CLARK of Missouri. Mr. President, I do not think it is possible for anybody to weigh the civil liberties of any single citizen of the United States. I rose at this time only for the purpose of emphasizing the fact that when I supported the committee amendment to cut this appropriation from $100,000 to $50,000 I did it not in criticism of the activities of the committee, but because I think $50,000 is a sufficient amount to allow the committee to continue until the next session. I think the committee has done a great work. I think if the committee had not done anything else, the exposure of conditions in Harlan County, Ky., are sufficient to have justified the whole amount of money which has been expended.

Mr. HATCH. Mr. President——

Mr. CLARK of Missouri. I am glad to yield to the Senator from New Mexico.

Mr. HATCH. Let me ask the Senator from Missouri whether he thinks it is part of the duty of the Congress of the United States to know, through its committees or otherwise, whether the civil liberties of the citizens of this country are being violated.

Mr. CLARK of Missouri. Mr. President, I think it is part of the duties of the Congress of the United States, the President of the United States, and all other Federal officials to be advised as to whether the rights guaranteed to citizens under the Constitution of the United States are being infringed. I think this committee has done a fine work in that respect, and I am very glad indeed to vote for a continuation of the committee; but I do think the $50,000 which is recommended by the Committee to Audit and Control the Contingent Expenses of the Senate is entirely sufficient.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended. On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAVIS (when his name was called). Announcing my pair as on a previous roll call, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. HARRISON (when his name was called). Making the same announcement as before with reference to my pair, I vote "nay."

Mr. KING (when his name was called). On this question I have a pair with the junior Senator from New Jersey [Mr. BARBOUR], and withhold my vote, not knowing how the Senator from New Jersey would vote if present.

Mr. STEWART (when his name was called). I have a pair with the Senator from Oregon [Mr. HOLMAN]. I am not advised as to how he would vote if present. Therefore, I withhold my vote.

The roll call was concluded.

Mr. SHIPSTEAD. I have a pair with the senior Senator from Virginia [Mr. GLASS]. I do not know how he would vote on this question. I transfer my pair with him to the senior Senator from North Dakota [Mr. FRAZIER], who would vote "yea" if present, and will vote. I vote "yea."

Mr. TOWNSEND (after having voted in the negative). Has the senior Senator from Tennessee [Mr. MCKELLAR] voted?

The PRESIDING OFFICER. He has not.

Mr. TOWNSEND. I have a general pair with the senior Senator from Tennessee. Since he has not voted, I withdraw my vote.

Mr. MINTON. I announce that the Senators from North Carolina [Mr. BAILEY and Mr. REYNOLDS], the Senator from Mississippi [Mr. BILBO], the Senator from Washington [Mr. BONE], the Senator from Michigan [Mr. BROWN], the Senators from Arkansas [Mrs. CARAWAY and Mr. MILLER], the Senator from Idaho [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Iowa [Mr. GILLETTE], the Senator from Virginia [Mr. GLASS], the Senator from Rhode Island [Mr. GREEN], the Senator from Alabama [Mr. HILL], the Senator from West Virginia [Mr. HOLT], the Senator from Delaware [Mr. HUGHES], the Senator from Kentucky [Mr. LOGAN], the Senator from Connecticut [Mr. MALONEY], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Montana [Mr. MURRAY], the Senator from Louisiana [Mr. OVERTON], the Senator from Illinois [Mr. SLATTERY], the Senator from New Jersey [Mr. SMATHERS], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are necessarily detained from the Senate.

Mr. AUSTIN. I announce the following general pairs: The Senator from New Jersey [Mr. BARBOUR] with the Senator from Utah [Mr. KING]; the Senator from Wisconsin [Mr. WILEY] with the Senator from Rhode Island [Mr. GREEN]; the Senator from Vermont [Mr. GIBSON] with the Senator from Connecticut [Mr. MALONEY]; the Senator from New Hampshire [Mr. TOBEY] with the Senator from Michigan [Mr. BROWN]; and the Senator from New Hampshire [Mr. BRIDGES] with the Senator from Arkansas [Mr. MILLER].

I am not advised how any of these Senators would vote if present.

The result was announced—yeas 36, nays 17, as follows:

YEAS—36

Adams	Danaher	Mead	Schwellenbach
Ashurst	Ellender	Minton	Sheppard
Austin	Guffey	Neely	Shipstead
Barkley	Hatch	Nye	Thomas, Utah
Byrnes	Hayden	O'Mahoney	Truman
Capper	La Follette	Pepper	Van Nuys
Chavez	Lee	Pittman	Wagner
Clark, Mo.	Lundeen	Russell	Walsh
Connally	McCarran	Schwartz	Wheeler

NAYS—17

Andrews	George	Herring	Smith
Bankhead	Gerry	Johnson, Colo.	White
Bulow	Gurney	Lodge	
Burke	Hale	Lucas	
Byrd	Harrison	Radcliffe	

NOT VOTING—43

Bailey	Downey	King	Slattery
Barbour	Frazier	Logan	Smathers
Bilbo	Gibson	McKellar	Stewart
Bone	Gillette	McNary	Taft
Borah	Glass	Maloney	Thomas, Okla.
Bridges	Green	Miller	Tobey
Brown	Hill	Murray	Townsend
Caraway	Holman	Norris	Tydings
Clark, Idaho	Holt	Overton	Vandenberg
Davis	Hughes	Reed	Wiley
Donahey	Johnson, Calif.	Reynolds	

So the resolution (S. Res. 126), as amended, was agreed to.

Mr. NEELY. Mr. President, as a friend of the resolution, I move to reconsider the vote by which it was agreed to.

Mr. HATCH. Mr. President, also as a friend of the resolution, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to lay on the table the motion of the Senator from West Virginia.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7462) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1939, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1939, and June 30, 1940, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TAYLOR, Mr. WOODRUM of Virginia, Mr. CANNON of Missouri, Mr. LUDLOW, Mr. McMILLAN, Mr. SNYDER, Mr. O'NEAL, Mr. JOHNSON of West Virginia, Mr. TABER, Mr. WIGGLESWORTH, Mr. LAMBERTSON, and Mr. DITTER were appointed managers on the part of the House at the conference.

BARNET WARREN—CONFERENCE REPORT

Mr. SCHWARTZ submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2271) for the relief of Barnet Warren, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

H. H. SCHWARTZ,
P. M. BROWN,
J. G. TOWNSEND, JR.,
Managers on the part of the Senate.
AMBROSE J. KENNEDY,
EUGENE J. KEOGH,
Managers on the part of the House.

The report was agreed to.

AMENDMENT OF EMPLOYER'S LIABILITY ACT—CONFERENCE REPORT

Mr. NEELY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1708) to amend the Employer's Liability Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House, insert the following:

"That sections 1 and 4 of the act entitled 'An act relating to the liability of common carriers by railroad to their employees in certain cases,' approved April 22, 1908 (35 Stat. 65; U. S. C., title 45, secs. 51 and 54), be, and they are hereby, amended to read as follows:

"'SEC. 1. That every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign nation or nations, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

"'Any employee of a carrier, any part of whose duties as such employee shall be the furtherance of interstate or foreign commerce; or shall, in any way directly or closely and substantially, affect such commerce as above set forth shall, for the purpose of this act, be considered as being employed by such carrier in such commerce and shall be considered as entitled to the benefits of this act and of an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases" (approved April 22, 1908), as the same has been or may hereafter be amended.'

"'SEC. 4. That in any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where such injury or death resulted in whole or in part from the negligence of any of the officers, agents, or employees of such carrier; and no employee shall be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.'

"SEC. 2. That the first sentence of section 6, of the act entitled 'An act relating to the liability of common carriers by railroad to their employees in certain cases,' approved April 22, 1908 (35 Stat. 65; U. S. C., title 45, sec. 56), be, and it is hereby, amended to read as follows:

"'SEC. 6. That no action shall be maintained under this act unless commenced within 3 years from the day the cause of action accrued.'

"SEC. 3. That the act entitled 'An act relating to the liability of common carriers by railroad to their employees in certain cases,' approved April 22, 1908, as amended (U. S. C., title 45, ch. 2), be, and it is hereby, amended by adding an additional section thereto as follows:

"'SEC. 10. Any contract, rule, regulation, or device whatsoever, the purpose, intent, or effect of which shall be to prevent employees of any common carrier from furnishing voluntarily information to a person in interest as to the facts incident to the injury or death of any employee, shall be void, and whoever, by threat, intimidation, order, rule, contract, regulation, or device whatsoever, shall attempt to prevent any person from furnishing voluntarily such information to a person in interest, or whoever discharges or otherwise disciplines or attempts to discipline any employee for furnishing voluntarily such information to a person in interest, shall, upon conviction thereof, be punished by a fine of not more than $1,000 or imprisonment for not more than 1 year, or by both such fine and imprisonment, for each offense: *Provided*, That nothing herein contained shall be construed to void any contract, rule, or regulation with respect to any information contained in the files of the carrier, or other privileged or confidential reports.

"'If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons and circumstances shall not be affected thereby.'"

And the House agree to the same.

M. M. NEELY,
EDWARD R. BURKE,
WARREN R. AUSTIN,
Managers on the part of the Senate.
EMANUEL CELLER,
ARTHUR D. HEALEY,
FRANCIS E. WALTER,
U. S. GUYER,
EARL C. MICHENER,
Managers on the part of the House.

The report was agreed to.

REFUND FOR INTERNAL REVENUE LOST OR DESTROYED STAMPS

Mr. BARKLEY. Mr. President, when the calendar was called a few days ago, Calendar No. 1026, House bill 1648, referring to the refund or credit for lost internal-revenue stamps, went over at the suggestion of the Senator from Wisconsin [Mr. LA FOLLETTE]. I understand that it is now entirely agreeable that the matter be taken up.

This is a bill authorizing the refunding or credit on stamps for distilled liquor destroyed in the floods of 1936 and 1937. I do not think there will be any opposition to the bill, and I hope we may secure its passage.

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

There being no objection, the Senate proceeded to consider the bill (H. R. 1648) to provide for the refund or credit of the internal-revenue tax paid on spirits lost or rendered unmarketable by reason of the floods of 1936 and 1937 where such

spirits were in possession of the original taxpayer or rectifier for bottling or use in rectification, under Government supervision, as provided by law and regulations.

The bill is as follows:

Be it enacted, etc., That (a) the Commissioner of Internal Revenue is authorized and directed to make refund, or in lieu thereof, if he so elects, allow credit in the amount of the internal-revenue tax paid on spirits previously withdrawn and lost or rendered unmarketable or useless by reason of the floods of 1936 and 1937 while such spirits were in the possession of the person originally paying the said tax on such spirits, or while such spirits were in the possession of a rectifier for rectification or for bottling, or which have been used in the process of rectification, under Government supervision as provided by law and regulations. A claim for such tax shall be filed with the Commissioner of Internal Revenue within 30 days from the effective date of this act in which proof shall be furnished to his satisfaction that (1) the internal-revenue tax on such spirits was fully paid; (2) that the same were in the possession of the claimant as above set forth at the time of such loss; (3) that such spirits were lost or rendered unmarketable or useless by reason of damage sustained as the result of the aforesaid flood conditions; (4) that such spirits so rendered unmarketable or useless have been destroyed; and (5) that claimant was not indemnified against such loss by any valid claim of insurance or otherwise.

(b) Where credit is allowed for the internal-revenue tax previously paid as aforesaid, the Commissioner of Internal Revenue is authorized and directed to provide for the issuance of stamps to cover the spirits subsequently withdrawn to the extent of the credit so allowed by the Commissioner of Internal Revenue.

(c) The Commissioner of Internal Revenue, with the approval of the Secretary, is authorized to make such rules and regulations as may be necessary to carry out the provisions of this act.

Mr. AUSTIN. Mr. President, this morning I laid an amendment on the table which I intended to propose to the bill. It grew out of a discovery in the conference on the social-security bill that an amendment which was accepted to that bill, which I had offered, was unfortunately limited in time, and I desire to offer the amendment to this revenue bill, which would put the amendment accepted heretofore by the Senate into effect for the whole period represented by the hurricane damage.

Mr. BARKLEY. Mr. President, I may say to the Senator that this is a House bill, and I should regret if any amendment put on it now would defer action on the part of the House. But I have been informed reliably that the House will be willing to accept the amendment, and I am willing to have it put into the bill.

Mr. AUSTIN. I thank the Senator from Kentucky.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont which will be reported for the information of the Senate.

The LEGISLATIVE CLERK. It is proposed to add the following new section at the end of the bill:

SEC. 2 No tax shall be collected under title VIII or IX of the Social Security Act or under the Federal Insurance Contributions Act or the Federal Unemployment Tax Act, with respect to services rendered prior to January 1, 1940, in the employ of the owner or tenant of land, in salvaging timber on such land or clearing such land of brush and other debris left by a hurricane; and any such tax heretofore collected (including penalty and interest with respect thereto, if any), shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. No payment shall be made under title II of the Social Security Act with respect to such services rendered prior to January 1, 1940.

The amendment was agreed to.

Mr. AUSTIN. Mr. President, before the bill is acted upon, I call attention to an amendment intended to be proposed by the Senator from Michigan [Mr. VANDENBERG].

Mr. BARKLEY. I will say to the Senator from Vermont that the Senator from Michigan authorized me to withdraw that amendment, the matter having been taken care of in the report of the conferees on the social-security bill.

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

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

The bill was read the third time and passed.

INSPECTION OF RAINY LAKE WATERSHED

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent for the immediate consideration of Calendar 1160, Senate Resolution 170, authorizing an inspection of Rainy Lake watershed by a subcommittee of the Committee on Foreign Relations.

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

Mr. RUSSELL. Mr. President, may we have some explanation of the resolution?

Mr. SHIPSTEAD. Mr. President, the resolution deals with an examination of conditions resulting from flooding of border waters between the Dominion of Canada and the United States, in the area of the Rainy Lake watershed.

There is pending a treaty with Canada and at the request of members of the subcommittee who held hearings there is a desire to join the international joint commission in an examination into the adequacy of the proposed remedy provided in the treaty, to determine whether or not properties which have been flooded in the United States will be properly safeguarded under the provisions of the treaty.

Mr. RUSSELL. What is the investigation to cost?

Mr. SHIPSTEAD. We are asking for $1,400.

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

There being no objection, the Senate proceeded to consider the resolution (S. Res. 170) authorizing an inspection of Rainy Lake watershed by a subcommittee of the Committee on Foreign Relations which had been reported to the Senate with an amendment, on page 1, line 10, after the word "exceed", to insert, "$1,400", so as to make the resolution read:

Resolved, That the members of the subcommittee of the Senate Foreign Relations Committee appointed by the chairman of such committee to hold hearings on the proposed convention between the United States and Canada providing for emergency regulation of the level of Rainy Lake and of other boundary waters in the Rainy Lake watershed are authorized to make an inspection of the region to which the provisions of such convention are applicable. The expenses incurred by said Senators in making such inspection, the aggregate amount of which shall not exceed $1,400 shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of such subcommittee.

The amendment was agreed to.

The resolution as amended was agreed to.

MILITARY AND NAVAL ESTABLISHMENTS OF AMERICAN REPUBLICS

Mr. PITTMAN. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1118, House Joint Resolution 367, to authorize the Secretaries of War and of the Navy to assist the governments of American republics to increase their military and naval establishments, and for other purposes.

Mr. President, this measure has been before the Committee on Foreign Relations, I think, for two sessions, and the committee has held several hearings on the subject. The Secretary of State and other officials of the Department have appeared, and representatives of the Army and Navy have also testified.

In short, the joint resolution provides that the navy yards of the United States and the arsenals may, in the discretion of the President, through the Army and the Navy, enter into contracts with Latin American republics to build vessels for them, to construct armaments for those vessels, and to construct for them antiaircraft guns and coast-defense weapons. That is the extent of it.

The joint resolution also, of course, contains provisions and exceptions and limitations, that the work shall not be done if it is at any expense to our Government, or if it entails any credit upon the part of our Government, that it shall not be done if it violates any treaty of the United States, and it shall not be done if it interferes with or delays our Government in the full use of its own facilities for its own purposes.

I may say frankly that there are Senators on the Committee on Foreign Relations, for whom we have the highest regard and whose opinions are worthy of every confidence, who have doubt as to the wisdom of the enactment of the proposed legislation at the present time. That is a matter which should be considered and will be considered. If the joint resolution shall be taken up for consideration,

in view of the fact that three of the four Senators to whom I have referred are absent, I will ask to have it temporarily laid aside and proceeded with tomorrow when the Senate convenes.

Under the circumstances I have stated, it being considered a matter of vital importance on behalf of our Army and Navy and the State Department, I ask that the measure be considered and voted on tomorrow.

Mr. AUSTIN. Mr. President, I ask the Senator whether we are to understand that he desires to leave his motion as the pending business when we recess tonight?

Mr. PITTMAN. If the motion shall be agreed to, I will ask leave to have the joint resolution temporarily laid aside until the Senate convenes tomorrow.

Mr. BARKLEY. What the Senator from Nevada wishes is to have the joint resolution made the unfinished business, not to be taken up for action tonight, but put over until tomorrow. Of course, it would be subject to be laid aside for the consideration of conference reports.

Mr. PITTMAN. Exactly.

Mr. McCARRAN. Mr. President, we could not over on this side understand what the motion of my colleague was.

The PRESIDING OFFICER. The Senate will please be in order. The question is on the motion of the senior Senator from Nevada to proceed to the consideration of House Joint Resolution 367, the title of which will be reported for the information of the Senate.

The LEGISLATIVE CLERK. The resolution (H. J. Res. 367) to authorize the Secretaries of War and of the Navy to assist the governments of American republics to increase their military and naval establishments, and for other purposes.

Mr. McCARRAN. I take it that if the motion is agreed to the consideration of the joint resolution may go over until the next meeting of the Senate.

The PRESIDING OFFICER. The Chair understood the senior Senator from Nevada to announce that if the motion were agreed to he would ask that the joint resolution be temporarily laid aside until tomorrow. The question is on agreeing to the motion of the senior Senator from Nevada.

The motion was agreed to, and the Senate proceeded to consider the joint resolution.

Mr. PITTMAN. Mr. President, I ask unanimous consent that the joint resolution be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

TONGUE RIVER STORAGE RESERVOIR

Mr. WHEELER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 933, House bill 5506, relating to the Tongue River Storage Reservoir.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 5506) to authorize the Secretary of the Interior to contract with the State Water Conservation Board of Montana and the Tongue River Water Users' Association for participation in the costs and benefits of the Tongue River Storage Reservoir project for the benefit of lands on the Tongue River Indian Reservation, Mont., which was ordered to a third reading, read the third time, and passed.

NATIONAL CENSUS OF HOUSING

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2240) to provide for a national census of housing, which were, on page 1, lines 3 and 4, to strike out "character" and insert "characteristics (including utilities and equipment)"; on the same page, line 5, to strike out all after the name "States" down to and including the word "legislation" in line 8; on the same page, line 12, after the word "with", to insert a comma and "at the same time, and as a part of"; on page 2, line 1, to strike out all after "census" down to and including "census" in line 3; on the same page, line 4, to strike out the word "make" and insert "collect"; on the same page, line 4, to strike out "studies" and insert "statistics"; and on the same page, line 15, to strike out "$8,500,000" and insert "$8,000,000".

Mr. WAGNER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

EPES TRANSPORTATION CORPORATION

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1042) for the relief of the Epes Transportation Corporation, which was, on page 2, line 4, to strike out all after *"Provided"* down to and including "$1,000", in line 14 and insert "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. BYRD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

REGULATION OF REAL ESTATE BROKERS

Mr. KING. Mr. President, several days ago the Senate passed a bill, reported by the Committee on the District of Columbia, dealing with corporations in this city, including cemeteries under control of the District.

It went to the House, and the House struck out the words dealing with the cemeteries in one part of the bill, but omitted to strike them out in the other part of the bill, and sent the bill back. That necessitates further consideration, and the committee reports the House bill and moves to strike out the provision which it was intended to strike out but which inadvertently was not done.

The PRESIDING OFFICER. Is the bill reported from the Committee on the District of Columbia?

Mr. KING. Yes; Mr. President. I report back favorably from the Committee on the District of Columbia House bill 5685, to amend the act for the creation of a real-estate commission in the District of Columbia and for other purposes, and I ask for the present consideration of the bill.

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

There being no objection, the Senate proceeded to consider the bill (H. R. 5685) to amend the act of Congress entitled "An act to define, regulate, and license real-estate brokers, business-chance brokers, and real-estate salesmen; to create a Real Estate Commission in the District of Columbia; to protect the public against fraud in real-estate transactions; and for other purposes," approved August 25, 1937; which had been reported from the Committee on the District of Columbia with an amendment, on page 3, line 9, after the word "estate" to strike out "or any interest or right therein, either as an investment or for use thereof for burial purposes."

So as to make the bill read:

Be it enacted, etc., That the title of the act entitled "An act to define, regulate, and license real-estate brokers, business-chance brokers, and real-estate salesmen; to create a Real Estate Commission in the District of Columbia; to protect the public against fraud in real-estate transactions; and for other purposes," approved August 25, 1937 (Public, No. 356, 75th Cong.), is amended to read as follows:

"An act to define, regulate, and license real-estate brokers, real-estate salesmen, business-chance brokers, and business-chance salesmen; to create a Real Estate Commission in the District of Columbia; to protect the public against fraud in real-estate transactions and in real-estate promotions and in business-chance transactions; and for other purposes."

SEC. 2. Section 1 of said act is hereby amended to read as follows:

"SECTION 1. That on and after 90 days from the date of enactment of this act it shall be unlawful in the District of Columbia for any person, firm, partnership, copartnership, association, or corporation (foreign or domestic) to act as a real-estate broker, real-estate salesman, business-chance broker or business-chance salesman, or to advertise or assume to act as such, without a license issued by the Real Estate Commission of the District of Columbia."

SEC. 3. Section 2 of said act is hereby amended to read as follows:

"SEC. 2. Whenever used in this act 'real-estate broker' means any person, firm, association, partnership, or corporation (foreign or domestic) who, for another and for a fee, commission, or other

valuable consideration, or who, with the intention or in the expectation or upon the promise of receiving or collecting a fee, commission, or other valuable consideration, lists for sale, sells, exchanges, purchases, rents, or leases or offers or attempts or agrees to negotiate a sale, exchange, purchase, lease, or rental of an estate or interest in real estate, or collects or offers or attempts or agrees to collect rent or income for the use of real estate, or negotiates or offers or attempts or agrees to negotiate, a loan secured or to be secured by a mortgage, deed of trust, or other encumbrance upon or transfer of real estate, or who is engaged in the business of erecting houses or causing the erection of houses for sale on his, their, or its land and who sells, offers, or attempts to sell such houses, or who, as owner or otherwise and as a whole or partial vocation, sells, or through solicitation, advertising, or otherwise, offers or attempts to sell or to negotiate the sale of any lot or lots in any subdivision of land comprising 10 lots or more: *Provided, however,* That this definition shall not apply to the sale of space for advertising of real estate in any newspaper, magazine, or other publication. A 'business-chance broker' within the meaning of this act is any person, firm, partnership, association, copartnership, or corporation who for a compensation or valuable consideration sells or offers for sale, buys or offers to buy, leases or offers to lease, or negotiates the purchase or sale or exchange of a business, business opportunity, or the goodwill of a business for others.

" 'Real-estate salesman' means a person employed by a licensed real-estate broker to list for sale, sell, or offer for sale, to buy or offer to buy, or to negotiate the purchase or sale, or exchange of real estate, or to negotiate a loan on real estate, or to lease or rent or offer to lease, rent, or place for rent, any real estate, or collect or offer or attempt to collect rent or income for the use of real estate.

" 'Business-chance salesman' means any person employed by a licensed business-chance broker to list for sale, sell, or offer for sale, to buy or offer to buy, to lease or offer to lease, or to negotiate the purchase or sale or exchange of a business, business opportunity, or goodwill of an existing business for or in behalf of such business-chance broker.

"Persons employed by a licensed broker in a clerical capacity or in subordinate positions who receive a fixed compensation and who receive no additional commission or compensation for specific acts of renting or leasing real estate and who do not sell or exchange, or offer or attempt to sell or exchange, real estate or a business, business opportunity, or the goodwill of a business shall not be required to obtain licenses.

"One act for a compensation or valuable consideration of buying or selling real estate for or of another, or offering for another to buy, sell, or exchange real estate, or leasing, renting, or offering to lease or rent real estate, or negotiating or offering to negotiate a loan secured by a mortgage, deed of trust, or other incumbrance upon or transfer of real estate, except as herein specifically excepted, shall constitute a person, firm, partnership, copartnership, association, or corporation performing, or offering or attempting to perform any of the acts enumerated herein, a real-estate broker, unless such act shall be performed or offered or attempted to be performed by a person for and in behalf of a real-estate broker in which event such act shall constitute such person a real-estate salesman.

"One act for a compensation or valuable consideration of buying, selling or leasing or exchanging a business, business opportunity, or the good will of a business for or of another, or offering for another to buy, sell, exchange, or lease a business, business opportunity, or the goodwill of a business, except as herein specifically excepted, shall constitute the person, firm, partnership, copartnership, association, or corporation performing or offering or attempting to perform any of the acts enumerated herein, a business-chance broker, unless such act shall be performed or offered or attempted to be performed by a person for or on behalf of a business-chance broker, in which event such act shall constitute such person a business-chance salesman.

"The provisions of this act shall not apply to receivers, referees, administrators, executors, guardians, trustees, or other persons appointed or acting under the judgment or order of any court; or public officers while performing their official duty, or attorneys at law in the ordinary practice of their profession; nor to any person, copartnership, association, or corporation, who, as owner or lessor, shall perform any of the acts aforesaid with reference to property owned or leased by them, or to the regular officers and employees thereof, with respect to the property so owned or leased, where such acts are performed in the regular course of, or as an incident to, the management of such property and the investments therein, except as otherwise provided in this act.

"Every provision of this act applying specifically to an applicant or application for a license as a real-estate broker or a real-estate salesman, and to a real-estate license, and to a licensee licensed as a real-estate broker or a real-estate salesman, and to anyone acting in the capacity of a real-estate broker or a real-estate salesman without a license, shall likewise apply in a similar manner, respectively, to every applicant and application for a license as a business-chance broker or a business-chance salesman, and to every business-chance license, and to every licensee licensed as a business-chance broker or a business-chance salesman, and to anyone acting in the capacity of a business-chance broker or a business-chance salesman without a license."

SEC. 4. The seventh paragraph of section 3 is amended to read as follows:

"The compensation of members of the Commisson, except the ex officio member, shall be $10 each for personal attendance at each meeting, but shall not exceed for any member $1,500 per annum."

SEC. 5. Section 4 of said act is amended to read as follows:

"SEC. 4. No license under the provisions of this act shall be issued to any person who has not attained the age of 21 years, nor to any person who cannot read, write, and understand the English language; nor until the Commission has received satisfactory proof that the applicant is trustworthy and competent to transact the business of a real-estate broker or real-estate salesman or business-chance broker or business-chance salesman in such a manner as to safeguard the interests of the public: *Provided, however,* That a salesman shall have 6 months from the date of the issuance of his original license to prove his competency, and failure to prove his competency to the satisfaction of the Commission within that period will automatically cancel his original license or any renewal thereof.

"In determining competency, the Commission shall require proof that every applicant for a license has a general and fair understanding of the obligations between principal and agent, as well as of the provisions of this act; and that an applicant for a license as a real-estate broker has a fair understanding of the general purposes and effect of deeds, mortgages, and contracts for the sale or leasing of real estate, and of elementary real-estate practices; and that an applicant for a license as a business-chance broker has a fair understanding of the general purposes and effect of bills of sale, chattel mortgages and trusts, and the provisions of law governing sales in bulk.

"No license shall be issued to any person, firm, partnership, copartnership, association, or corporation whose application has been rejected in the District of Columbia or any State within 3 months prior to date of application, or whose real-estate license has been revoked in the District of Columbia or any State within 1 year prior to date of application."

SEC. 6. (a) The eighth paragraph of section 5 of said act is amended by striking out the words, "executed by two good and sufficient sureties, to be approved by the Commission, or."

(b) Section 5 of said act is further amended by inserting at the end of the tenth paragraph thereof the following:

"In the event the surety becomes insolvent or a bankrupt, or ceases to do business or ceases to be authorized to do business in the District of Columbia, the principal shall, within 10 days after notice thereof, given by the Commission, duly file a new bond in like amount and conditioned as the original and if the principal shall fail so to do the license of such principal shall terminate."

SEC. 7. (a) The third paragraph of section 7 of said act is amended to read as follows:

"The fee for an original broker's license and every renewal thereof shall be $30: *Provided, however,* That the fee for an original broker's license and every renewal thereof for individual members, partners, and officers of firms, partnerships, and corporations shall be $30 for the first member, partner, or officer to be designated by the firm, partnership, or corporation and $10 for each additional member, partner, or officer of such firm, partnership, or corporation."

(b) The fifth paragraph of said section 7 of said act is amended by striking out the words "real estate."

(c) Section 7 of said act is further amended by inserting a new paragraph between the fifth and sixth paragraphs of said section 7 to read as follows:

"The fees provided herein for any original license shall be reduced by one-half in all cases where the application for such original license is filed between January 1 and July 1 of any year."

(d) The seventh paragraph of section 7 of said act is hereby amended to read as follows:

"The Commission shall cause to be issued a new license for each ensuing year, in the absence of any reason or condition which might warrant the refusal of the granting of a license, upon receipt of the written request of the applicant and the annual fee therefor, as herein required: *Provided, however,* That an applicant who, on or before July 1, fails to file said written request and pay the annual fee must comply with all the provisions of this act applicable to an original applicant except that the Commission may waive the requirement of furnishing proof of competency. The revocation of a broker's license shall automatically suspend every salesman's license granted to any person by virtue of his employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. Such new license shall be issued without charge if granted during the same license year in which the original license is granted."

(e) The eighth paragraph of section 7 of said act is amended to read as follows:

"No person, firm, partnership, copartnership, association, or corporation engaged in the business or acting in the capacity of a real-estate broker or real-estate salesman, or a business-chance broker or a business-chance salesman, within the District of Columbia shall bring or maintain any action in the courts of the District of Columbia for the collection of compensation for any services performed as a real-estate broker or a real-estate salesman or a business-chance broker or business-chance salesman, or enforcement of any contract relating to real estate without alleging and proving that such person, firm, partnership, copartnership, association, or corporation was a duly licensed real-estate broker or real-estate salesman, or business-chance broker or business-chance salesman, at the time the alleged cause of action arose."

(f) The ninth paragraph of said section 7 of said act is amended to read as follows:

"Every broker licensed hereunder shall maintain a place of business in the District of Columbia. If a broker maintains more than one place of business within the District of Columbia, a duplicate license shall be issued to such broker for each branch office maintained; and there shall be no fee charged for any such duplicate license."

(g) The tenth paragraph of said section 7 of said act is amended to read as follows:

"When a broker changes the location of his principal place of business he must immediately notify the Commission in writing and return to the Commission his license together with the licenses of all salesmen in his employ, and the Commission shall issue a new license to the broker and to each of the salesmen without charge. Failure to notify the Commission and to return his license when the location of his principal place of business is changed, will automatically cancel the broker's license and the licenses of all salesmen in his employ. However, new licenses for the unexpired term may be issued by the Commission without the payment of any additional fee, provided a written request therefor, accompanied by a new bond, is filed."

(h) The eleventh paragraph of said section 7 of said act is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "When a salesman shall be discharged or shall terminate his employment with the broker by whom he is employed, it shall be the duty of such salesman to immediately notify the Commission, and it shall be unlawful for him to perform any of the acts contemplated by this act either directly or indirectly from and after such termination of employment until such time as he has been employed by another licensed broker and a license has been reissued him by the Commission."

(i) Section 7 of said act is further amended by adding at the end thereof two new paragraphs to read as follows:

"A license issued to an individual cannot be transferred to another individual. However, an individual licensed as a broker may, upon written request to the Commission, change his status to that of an individual broker or to that of a partner of a partnership, or to that of an officer of a corporation, for any unexpired term of his license, without the payment of any additional fee, and such change shall not work a revocation or require a renewal of the bond of any such broker. This provision shall not be applicable to any real-estate broker in respect to a change of license to that of a business-change broker or vice versa.

"No license shall be issued to any firm, partnership, association, or corporation unless every individual member, partner, or officer of such firm, partnership, association, or corporation who actively participates in the brokerage business thereof is licensed as a broker."

SEC. 8. Section 8 of said act is amended to read as follow:

"SEC. 8. The Commission may, upon its own motion, and shall, upon the verified complaint in writing of any person, provided such complaint or such complaint together with evidence, documentary or otherwise, presented in connection therewith, makes out a prima facie case, investigate the conduct of any real-estate broker or real-estate salesman, or business-chance broker or business-chance salesman, and shall have the power to suspend or to revoke any license issued under the provisions of this act, at any time where the licensee has by false or fraudulent representation obtained a license; or where the licensee, in performing or attempting to perform any of the acts mentioned herein, has—

"(a) Made any substantial misrepresentation;

"(b) Made any false promises of a character likely to influence, persuade, or induce;

"(c) Pursued a continued and flagrant course of misrepresentation, or making of false promises through agents or salesmen, or advertising or otherwise;

"(d) Acted for more than one party in a transaction without the knowledge of all parties for whom he acts;

"(e) Accepted a commission or valuable consideration as a real-estate salesman or as a business-chance salesman for the performance of any of the acts specified in this act from any person, except the broker under whom he is licensed;

"(f) Represented or attempted to represent a real-estate broker or a business-chance broker other than the employer, without the express knowledge and consent of the employer;

"(g) Failed, within a reasonable time, to account for or to remit any money, valuable documents, or other property coming into his possession which belong to others;

"(h) Demonstrated such unworthiness or incompetency to act as a real-estate broker or real-estate salesman or a business-chance broker or a business-chance salesman as to endanger the interests of the public;

"(i) While acting or attempting to act as agent or broker, purchased or attempted to purchase any property or interest therein for himself, either in his own name or by use of a straw party, without disclosing such fact to the party he represents;

"(j) Been guilty of any other conduct, whether of the same or a different character from that hereinbefore specified, which constitutes fraudulent or dishonest dealing;

"(k) Used any trade name or insignia of membership in any real-estate organization of which the licensee is not a member;

"(l) Disregarded or violated any provisions of this act;

"(m) Guaranteed or authorized or permitted any broker or salesman to guarantee future profits which may result from the resale of real property, or a business, business opportunity, or the goodwill of any existing business;

"(n) Placed a sign on any property offering it for sale or for rent or offering it for sale or rent without the written consent of the owner or his authorized agent;

"(o) Accepted a compensation from more than one party to a transaction without the knowledge of all the parties to the transaction; or

"(p) Failed to restore the bond to its original amount after a recovery on the bond as provided in section 5."

SEC. 9. Section 10 of said act is amended by striking out the period at the end of the first paragraph thereof and inserting in lieu thereof a comma, and by adding after such comma the following: "and with the further exception that a nonresident of the District of Columbia need not maintain a place of business within the District of Columbia if he is licensed in and maintains a place of business in the State in which he resides."

SEC. 10. Section 12 of said act is amended by adding at the end thereof the following:

"The exemption contained in this section shall not apply to any bank, trust company, building and loan association, insurance company, or any land-mortgage or farm-loan association, which for another and for a compensation, performs any of the acts defined herein as the acts of a real-estate broker or business-chance broker in connection with any property, wherein such bank, trust company, building and loan association, insurance company, land-mortgage or farm-loan association has no fiduciary interest such as receiver, referee, administrator, executor, guardian, or trustee."

SEC. 11. Section 14 of said act is amended by adding at the end thereof the following:

"It shall be unlawful within the District of Columbia for any person, firm, partnership, association, or corporation, foreign or domestic, either as owner or otherwise, to offer, give, award, or promise, or to use any method, scheme or plan offering, giving, awarding, or promising free lots in connection with the sale or the offering for sale or an attempt to sell or negotiate the sale of any real estate or interest therein, wherever situated, for the purpose of attracting, inducing, persuading, or influencing a purchaser or a prospective purchaser; or to offer, promise, or give prizes of any name or nature for attendance at or participation in any sale of real estate, by auction or otherwise.

"It shall be unlawful for any person, firm, partnership, association, or corporation knowingly to pay a fee, commission, or compensation to anyone for the performance within the District of Columbia of any service or act defined in this act as the act of a real-estate broker, real-estate salesman, business-chance broker, or business-chance salesman, who was not duly licensed as such at the time such service or act was performed, provided that this paragraph shall not apply to the division of commission by a broker licensed hereunder with a nonresident cooperating broker."

SEC. 12. No license heretofore issued under the authority of said act of Congress approved March 25, 1937, where the application therefor was accompanied by a bond which does not conform with the requirements of said act as amended hereby, shall be reissued or renewed unless the application for such reissuance or renewal shall be accompanied by a bond in accordance with said act as amended by this act.

The amendment was agreed to.

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

The bill was read the third time, and passed.

HARRY BRYAN AND OTHERS

Mr. NEELY. Mr. President, I ask for the present consideration of House bill 377, Calendar No. 1173.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill (H. R. 377) to amend the act entitled "An act for the relief of Harry Bryan and Alda Duffield Mullins, and others."

Mr. NEELY. Mr. President, I wish to make a brief statement regarding the bill.

On the 7th day of November 1936 a number of Works Progress Administration employees at Gassaway, W. Va., negligently so overheated a tar barrel that it exploded, and in the ensuing fire a child was burned. The burned child was so seriously injured that it soon afterward died. Sixteen others were injured, some to such an extent that as many as 10 blood transfusions were required. A number of them have been maimed and ruined for life.

The Senate and the House passed different bills 2 years ago compensating the various claimants, 17 in number, for their injuries and granting compensation for the one wrongful death.

The Senate bill provided for the payment of the doctor's bills and the hospital treatments. The House refused to concur in that provision of the bill, but approved the remainder of the Senate bill.

In conference the conferees restored the Senate provision, under which the medical expenses would be paid. In writing up the conference report the clerk of one or the other of the committees made a mistake, and the bill as reported to both the House and the Senate omitted the provisions for the payment of the medical expenses and the hospital bills. The purpose of the pending bill is solely to correct the mistake that was made by the draftsman of the conference report 2 years ago. I hope it will pass.

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

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

REV. FRANCIS X. QUINN

Mr. BARKLEY. Mr. President, from the Committee on the Library, I report favorably House bill 7389, and ask for its present consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 7389) to provide for the presentation of a medal to Rev. Francis X. Quinn in recognition of his valor in saving the lives of two of his fellow citizens, which was ordered to a third reading, read the third time, and passed.

REQUEST FOR PERMISSION TO PRINT IN THE APPENDIX

Mr. BARKLEY. Mr. President, I send to the desk a unanimous-consent request and ask for its present consideration.

The PRESIDING OFFICER. The request will be reported for the information of the Senate.

The legislative clerk read as follows:

Mr. BARKLEY. Mr. President, to prevent the exclusion of matter that is entitled to be incorporated in the RECORD, I ask that permission be given to have printed in the Appendix such material as speeches, editorials, summaries of the laws enacted this session, and memoranda from the executive departments or agencies of the Government. I make this statement with a view of cooperating with Senators who may wish to submit proper material after the conclusion of the session.

Mr. AUSTIN. I object.

The PRESIDING OFFICER. The Senator from Vermont objects.

ACTING SECRETARY OF THE NAVY

Mr. WALSH. Mr. President, I introduced a joint resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be read for the information of the Senate.

The joint resolution (S. J. Res. 185) to authorize The Assistant Secretary of the Navy to continue to serve as Acting Secretary of the Navy until the appointment of a Secretary, and for other purposes, was read the first time by its title, and the second time at length, as follows:

"*Resolved, etc.*, That notwithstanding the provisions of section 180, Revised Statutes, The Assistant Secretary of the Navy may continue to serve as Acting Secretary of the Navy until such time as a Secretary of the Navy shall be appointed to succeed the late Secretary of the Navy, the Honorable Claude A. Swanson, deceased; and the provisions of section 1761, Revised Statutes, shall not be applicable to an appointment to fill the existing vacancy in said office."

Mr. WALSH. Mr. President, I may explain the reason for presenting the joint resolution at this time. It will be noted that there are two parts to it. The first provides authority for The Assistant Secretary to continue to serve as Acting Secretary of the Navy. Under existing law a temporary appointment to an executive office where vacancy occurs by reason of death or resignation cannot continue for more than 30 days, so that at the end of 30 days after the death of Secretary of the Navy Swanson the President would be compelled to name a Secretary of the Navy. The joint resolution would permit the President to continue for more than 30 days The Assistant Secretary of the Navy as Acting Secretary of the Navy.

The second portion of the resolution provides that the President may, during the recess of the Senate, make an appointment of Secretary of the Navy, and that the Secretary of the Navy whom he may appoint will not be subject to the existing law which prevents him from being paid any salary from the Public Treasury.

It so happens that the Judiciary Committee of the Senate have reported a bill, which is on the calendar, though of course it cannot be passed during the present session, which would permit the President to do the very thing that the pending joint resolution would authorize him to do insofar as the appointment of a Secretary of the Navy is concerned, and would permit the person so appointed to have the benefit of the salary during the period of time the Senate is not in session. But there is no provision in that bill, which, of course, cannot become a law anyway, which would give the President an extension of the time within which to make a permanent appointment.

The purpose of the joint resolution is, first, that the President be given authority to continue The Assistant Secretary as the Acting Secretary for longer than 30 days, and I am informed that the President expects to make an appointment within 60 days; and, second, when he does make an appointment, it makes the same provision to take care of the situation that would be made if the bill now pending should be passed. Whoever the President names will be entitled to receive the salary.

All I want to say, in addition to what I have said in connection with this matter, is that I assume that every Member of this body realizes the situation in the world today and in the United States, and if there was ever a time when the President ought to be given sufficient time to make a selection of someone to be Secretary of the Navy it is now. It would be unfortunate, in my opinion, if we took any action that would prevent him from making an appointment of a Secretary of the Navy between now and the convening of the next session of Congress.

I repeat that if the bill which has been reported from the Judiciary Committee had become a law, the President could have made the appointment in 30 days after the Secretary of the Navy died, and the appointee would be compensated for his services.

I ask for immediate action on the joint resolution.

Mr. AUSTIN. Mr. President, to me it seems there is an important principle involved in this request, and I think the Senate should recognize it at the time it grants the request, as I rather expect it will do, and that is a principle affecting the appointing power. If it is possible for the Chief Executive to make appointments in vacation which will hold until the end of the next session, under which appointments the appointees may enjoy the same emoluments as an appointee who has been confirmed by the United States Senate, then there can be a succession of Executive appointments which will exclude the Senate from its duty and its responsibility with respect to the filling of vacancies and the appointment of high officers of this Government, which the people in creating the Government found to be better cared for by a joint power exercised by the President by and with the consent and advice of the Senate.

I shall not object to this particular request because, as the distinguished Senator from Massachusetts has indicated, there is a special reason for making it at this time, and further, because there is pending in the Senate at the present time Senate bill 2773, introduced by the senior Senator from Arizona [Mr. ASHURST], covering the subject of compensation of appointees. It divides up the time a little differently from the practice followed heretofore.

Mr. President, I ask in connection with what I have said to have inserted in the RECORD a copy of Senate bill 2773, with the amendments proposed thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2773), with proposed amendments, is as follows:

Be it enacted, etc., That section 1761 of the Revised Statutes be, and it is hereby, amended to read as follows:

"SEC. 1761. No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and

with the advice and consent of the Senate, until such appointee has been confirmed by the Senate. The provisions of this section shall not apply (a) If the vacancy arose within 30 days prior to the termination of the session of the Senate; or (b) if, at the time of the termination of the session of the Senate, a nomination for such office other than the nomination of a person appointed during the preceding recess of the Senate was pending before the Senate for its advice and consent; or (c) if a nomination for such office was rejected by the Senate within 30 days prior to the termination of the session and a person other than the one whose nomination was rejected thereafter receives a recess commission: *Provided*, That a nomination to fill such vacancy under (a), (b), or (c) hereof shall be submitted to the Senate not later than 40 days after the commencement of the next succeeding session of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts for the immediate consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

EXPENSES IN CONNECTION WITH THE FUNERAL OF THE LATE SECRETARY SWANSON

Mr. BARKLEY. Mr. President, in connection with the proceedings which have just taken place, there is on the calendar a report from the Committee to Audit and Control the Contingent Expenses of the Senate on Senate Resolution 157, authorizing the payment of certain expenses incurred by the committee appointed to arrange the funeral of the late Secretary Swanson in the Senate Chamber. It involves only a small amount and has nothing to do with the general funeral expenses.

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

There being no objection, the resolution (S. Res. 157) submitted by Mr. GLASS on July 11, 1939, was considered, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of Hon. Claude A. Swanson, late Secretary of the Navy, and former Senator from the State of Virginia, and vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

MRS. S. F. SEWELL

Mr. McCARRAN obtained the floor.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. McCARRAN. I yield for a question.

Mr. GEORGE. No, Mr. President. I have been standing here for quite a while seeking to get the attention of two Presiding Officers, and I will exercise my right to object to any request for action unless I may be recognized for the presentation of a small claims bill. It is a House bill. I was detained all morning in conference. That is my only reason for asking the opportunity to present the matter at this time.

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

Mr. McCARRAN. I yield.

Mr. BARKLEY. We have been in session practically 12 hours today, and we must have another session tomorrow. I was hoping we could recess rather soon.

Mr. McCARRAN. Under the circumstances, I would rather have the Senator from Georgia take the floor.

Mr. GEORGE. Mr. President, the matter because of which I have been standing here for half an hour could have been disposed of long ago.

Mr. McCARRAN. The Senator may have the floor now.

Mr. GEORGE. Mr. President, I ask the Chair to lay before the Senate House bill 6099, and that it be considered at this time.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H. R. 6099) for the relief of Mrs. S. F. Sewell, reported favorably from the Committee on Claims.

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

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

PARKING METERS, DISTRICT OF COLUMBIA

Mr. KING. Mr. President, the House has passed House bill 5405, a bill authorizing the installation of parking meters in the District of Columbia. The Senate committee has considered the bill and has authorized me to report it back with an amendment striking out all after the enacting clause and inserting in lieu thereof provisions which have been agreed upon by the committees of both the House and the Senate. I ask for its present consideration.

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

There being no objection, the Senate proceeded to consider the bill (H. R. 5405) authorizing the installation of parking meters and other devices on the streets of the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia, with an amendment to strike out all after the enacting clause and to insert:

The Commissioners of the District of Columbia are hereby authorized and empowered, in their discretion, to secure and to install, at no expense to the said District, mechanical parking meters or devices on the streets, avenues, roads, highways, and other public spaces in the District of Columbia under the jurisdiction and control of said Commissioners (in addition to those mechanical parking meters or devices installed pursuant to the authority conferred on the said Commissioners by sec. 11, p. 40, Public, No. 458, 75th Cong., 3d sess., approved April 4, 1938); and said Commissioners are authorized and empowered to make and enforce rules and regulation for the control of the parking of vehicles on such streets, avenues, roads, highways, and other public spaces, and as an aid to such regulation and control of the parking of vehicles the Commissioners may prescribe fees for the privilege of parking vehicles where said meters or devices are installed.

SEC. 2. In purchasing meters under the terms of this act, the Commissioners may purchase 50 percent of the manually operated type meter, subject, however, to specifications to be approved by the National Bureau of Standards, Department of Commerce.

The amendment was agreed to.

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

The bill was read the third time, and passed.

AMENDMENT OF BANKRUPTCY STATUTES

Mr. McCARRAN. Mr. President, I ask that the Senate now proceed to the consideration of Calendar No. 1092, Senate bill 1935.

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

The LEGISLATIVE CLERK. A bill (S. 1935) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

Mr. BARKLEY. Mr. President, that is a rather controversial measure, involving the matter of bankruptcy. It seems to me a bill of that character ought not to be taken up at this time of night.

Mr. McCARRAN. Mr. President, I will explain that this is what is known as the Frazier-Lemke bill. The duty fell to me, as chairman of a subcommittee of the Judiciary Committee, of considering the bill. We did consider it. We reported it to the full committee, and the report of the full committee is before the Senate.

I wish to say, in fairness to the leader of the majority, that on yesterday I took it up with him, and he thought it was controversial. I think it is controversial; but at the same time, if I could get it through without any controversy, I should like to do it now.

Mr. BARKLEY. It would not then be controversial. I appreciate the Senator's wishes about the matter. However, at this time of night, when Senators are exhausted, it seems to me a bill of this nature ought not to be taken up. I hope the Senator will let it go over until tomorrow.

Mr. McCARRAN. I will let it go over until tomorrow.

EXTENSION OF LIFE OF JOINT RESOLUTION TO INVESTIGATE PHOSPHATE RESOURCES

Mr. PEPPER. Mr. President, I ask unanimous consent for the present consideration of Senate Joint Resolution 182, which has been reported from the Committee to Audit and Control the Contingent Expenses of the Senate. It merely contemplates the extension of the life of the joint committee which was appointed at the last session of Congress.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. Joint resolution (S. J. Res. 182) to amend Public Resolution No. 112, Seventy-fifth Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

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

Resolved, etc., That the study required to be made by the Joint Committee to Investigate the Adequacy and Use of the Phosphate Resources of the United States pursuant to Public Resolution Numbered 112, Seventy-fifth Congress, shall include potash and related minerals, and the life of the committee and the time for making its final report is extended to January 15, 1940.

The further expenses of the committee, which shall not exceed $5,000, shall be paid one-half from the contingent funds of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the committee.

ADDITIONAL PETITIONS

Mr. WAGNER presented a petition of sundry citizens, being actors and artists, of New York, N. Y., praying for the full restoration of the theater project under the W. P. A., which was ordered to lie on the table.

He also presented a petition of sundry citizens of New York, N. Y., being architects, engineers, and chemists, praying for the restoration of wages, full employment, and the theater project under the W. P. A., and also the enactment of the so-called Sabath-Murray bill, which was ordered to lie on the table.

EMERGENCY RELIEF APPROPRIATION ACT OF 1939—RESOLUTION OF DEPARTMENT OF CONNECTICUT, AMERICAN LEGION

Mr. DANAHER. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted at the Twenty-first Annual Department Convention of the American Legion, at Bridgeport, Conn.

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

Whereas the Emergency Relief Appropriation Act of 1939 provides that "there shall be removed from employment on Work Projects Administration projects all relief workers, excepting veterans, who have been continuously employed on such projects for more than 18 months, and any relief worker so removed shall be ineligible to be restored to employment on such projects until after (a) the expiration of 30 days after the date of his removal, and (b) recertification of his eligibility for restoration to employment on such projects; and

Whereas it has been brought to the attention of the American Legion that this provision makes necessary the dismissal of many wives of veterans, particularly disabled veterans, who are active as breadwinners for the family due to the disability of the veteran himself, as well as widows of veterans who are the sole support of a family; and

Whereas it was the evident intention of Congress in exempting veterans from the lay-off to recognize the war service of said veterans, particularly disabled veterans; and

Whereas the wording of the act unfortunately discriminates against the wives and families of disabled veterans who are particularly entitled to consideration, and the widows of veterans by denying to these persons the privileges accorded to other veterans who are themselves able to work: Be it

Resolved, That the American Legion, Department of Connecticut, respectfully request the Congress of the United States to remedy this unfortunate situation by (1) either an amendment to the act granting to wives of veterans who are working because of the disability of the veterans themselves and to the widows of veterans, the same exemption from this mandatory lay-off as is now granted to veterans, or (2) by arranging for an interpretation of the act to allow the State W. P. A. administrators to grant such exemption, or (3) by instructing State W. P. A. administrators to return to employment the wives and widows mentioned at the end of the 30-day lay-off if they are recertified as eligible to restoration on W. P. A. projects; and be it further

Resolved, That a copy of this resolution be sent the Senators and Congressmen representing Connecticut, with a request for their support in remedying the situation; and be it further

Resolved, That a copy of this resolution be forwarded to the national convention at Chicago for action.

ADDITIONAL REPORT OF A COMMITTEE

Mr. BURKE, from the Committee on the Judiciary, to which was referred the bill (H. R. 5118) for the relief of the State of Ohio, reported it without amendment and submitted a report (No. 1152) thereon.

CHANGE OF REFERENCE

On motion by Mr. WHEELER, the Committee on Interstate Commerce was discharged from the further consideration of the bill (H. R. 6884) to encourage travel in the United States, and for other purposes, and it was referred to the Committee on Commerce.

HOME OWNERS' LOAN CORPORATION AND HOME LOAN BANKS—STATEMENT BY SENATOR BYRD

[Mr. BYRD asked and obtained leave to have printed in the RECORD a statement by himself on the subject of the Home Owners' Loan Corporation and Home Loan Banks; which appears in the Appendix.]

MARTIAL AND HABEAS CORPUS PROCEEDINGS

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an article from the May issue of the American Bar Association Journal, written by the Honorable John H. Hatcher, associate justice of the West Virginia Court of Appeals, entitled "Martial Law and Habeas Corpus Proceedings; Extent of War Power in Emergency"; which appears in the Appendix.]

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting the nominations of sundry postmasters, which were referred to the Committee on Post Offices and Post Roads.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the Committee on Appropriations, reported favorably the nomination of Linus C. Glotzbach, of Minnesota, to be regional director, district No. VII, Work Projects Administration.

He also, from the same committee, reported favorably the nomination of S. L. Stolte, of Minnesota, to be Work Projects Administrator for Minnesota.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of several officers for promotion and several citizens for appointment as second lieutenants in the Marine Corps.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Henry F. Grady to be an Assistant Secretary of State.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Ray Atherton to be Envoy Extraordinary and Minister Plenipotentiary to Denmark.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

THE JUDICIARY

The legislative clerk read the nomination of Lloyd L. Black to be United States district judge for the western district of Washington.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. SCHWELLENBACH. Mr. President, I ask unanimous consent that the President be notified of the confirmation of this nomination.

Mr. AUSTIN. I object to any notifications being sent tonight.

The PRESIDENT pro tempore. Objection is heard.

The legislative clerk read the nomination of J. H. S. Morison to be United States district judge for division No. 2, District of Alaska.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

COLLECTOR OF INTERNAL REVENUE

The legislative clerk read the nomination of Thomas B. Hassett to be collector of internal revenue for the District of Massachusetts.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

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

IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. WALSH. I ask that the nominations in the Navy be confirmed en bloc.

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

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 10 o'clock and 50 minutes p. m.) the Senate took a recess until tomorrow, Saturday, August 5, 1939, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 4 (legislative day of August 2), 1939

POSTMASTERS

CALIFORNIA

Josephine M. Costa to be postmaster at Downieville, Calif., in place of J. M. Costa. Incumbent's commission expired March 19, 1939.

Bessie L. Dunn to be postmaster at Isleton, Calif., in place of B. L. Dunn. Incumbent's commission expired February 9, 1939.

Alice E. Tate to be postmaster at Lone Pine, Calif., in place of A. E. Tate. Incumbent's commission expired March 19, 1939.

COLORADO

Faye P. Steffen to be postmaster at Bennett, Colo., in place of F. P. Steffen. Incumbent's commission expired May 15, 1939.

Anna May Durham to be postmaster at Mount Morrison, Colo., in place of A. M. Durham. Incumbent's commission expired July 22, 1939.

CONNECTICUT

Francis L. Bibeault to be postmaster at Moosup, Conn., in place of F. L. Bibeault. Incumbent's commission expires August 27, 1939.

Carlos C. Peck to be postmaster at Old Lyme, Conn., in place of C. L. Clark, retired.

Pauline I. Olie to be postmaster at Pequabuck, Conn., in place of P. I. Olie. Incumbent's commission expired July 19, 1939.

Robert A. Dunning to be postmaster at Thompson, Conn., in place of R. A. Dunning. Incumbent's commission expired January 9, 1934.

FLORIDA

Mark L. Calder to be postmaster at Titusville, Fla., in place of M. L. Calder. Incumbent's commission expired May 21, 1939.

GEORGIA

Blanche L. Marshall to be postmaster at Reynolds, Ga., in place of B. L. Marshall. Incumbent's commission expired February 28, 1938.

ILLINOIS

Herschel Victor Lynn to be postmaster at Byron, Ill., in place of H. V. Lynn. Incumbent's commission expires August 22, 1939.

Wayman R. Presley to be postmaster at Makanda, Ill., in place of W. R. Presley. Incumbent's commission expired July 1, 1939.

Pauline White, to be postmaster at St. Joseph, Ill., in place of F. E. Denhart, resigned.

INDIANA

Noel A. Booher to be postmaster at Albany, Ind., in place of N. A. Booher. Incumbent's commission expired May 15, 1939.

Reuben S. Stwalley to be postmaster at Cloverdale, Ind., in place of W. E. Morrison. Incumbent's commission expired May 15, 1939.

Earle C. Stewart to be postmaster at Daleville, Ind., in place of E. C. Stewart. Incumbent's commission expired May 15, 1939.

Robert R. Saunders to be postmaster at Eaton, Ind., in place of R. R. Saunders. Incumbent's commission expired May 15, 1939.

Merle F. Shepard to be postmaster at Edwardsport, Ind., in place of M. F. Shepard. Incumbent's commission expired May 15, 1939.

Edward P. Donnar to be postmaster at Oaktown, Ind., in place of E. P. Donnar. Incumbent's commission expired January 18, 1939.

Grover T. Van Ness to be postmaster at Summitville, Ind., in place of G. T. Van Ness. Incumbent's commission expired June 18, 1939.

IOWA

Marjorie M. Sherman to be postmaster at Bancroft, Iowa, in place of R. E. Hutton, removed.

William Stover to be postmaster at Hospers, Iowa, in place of William Stover. Incumbent's commission expired February 9, 1939.

Sophia Hood to be postmaster at Mallard, Iowa, in place of T. J. Hood, resigned.

Josiah H. Clayton to be postmaster at Paullina, Iowa, in place of J. H. Clayton. Incumbent's commission expired January 29, 1939.

Clarence P. Lietsch to be postmaster at West Burlington, Iowa, in place of C. P. Lietsch. Incumbent's commission expired January 18, 1939.

KANSAS

Alfred L. Hastings to be postmaster at Thayer, Kans., in place of A. L. Hastings. Incumbent's commission expired July 19, 1939.

Minnie J. Meidinger to be postmaster at Wathena, Kans., in place of M. J. Meidinger. Incumbent's commission expired July 9, 1939.

Verne A. Miller to be postmaster at Weir, Kans., in place of V. A. Miller. Incumbent's commission expired July 27, 1939.

KENTUCKY

Mary Rogers to be postmaster at Guthrie, Ky., in place of Mary Rogers. Incumbent's commission expired February 18, 1939.

William R. Sizemore to be postmaster at Hyden, Ky., in place of W. R. Sizemore. Incumbent's commission expired July 1, 1939.

Oscar D. Smith to be postmaster at Jamestown, Ky., in place of O. D. Smith. Incumbent's commission expired July 18, 1939.

Eugene Kelley to be postmaster at Pembroke, Ky., in place of Eugene Kelley. Incumbent's commission expires August 26, 1939.

Rolla M. Chafin to be postmaster at Weeksbury, Ky., in place of R. M. Chafin. Incumbent's commission expired July 26, 1939.

MASSACHUSETTS

Bartholomew C. Downing to be postmaster at Hanover, Mass., in place of B. C. Downing. Incumbent's commission expired July 31, 1939.

Helen K. Hoxie to be postmaster in Sunderland, Mass., in place of H. K. Hoxie. Incumbent's commission expired June 26, 1939.

Enlo A. Perham to be postmaster at Tyngsboro, Mass., in place of E. A. Perham. Incumbent's commission expired July 1, 1939.

MICHIGAN

Edward Kott to be postmaster at Center Line, Mich., in place of Edward Kott. Incumbent's commission expired June 26, 1939.

Frances A. Buerker to be postmaster at Pigeon, Mich., in place of J. G. Buerker, deceased.

Bert Shedd to be postmaster at Tekonsha, Mich., in place of Bert Shedd. Incumbent's commission expired April 26, 1939.

Isla M. Messmore to be postmaster at Utica, Mich., in place of I. M. Messmore. Incumbent's commission expires August 26, 1939.

MINNESOTA

Nettie Layng to be postmaster at Bruno, Minn., in place of Nettie Layng. Incumbent's commission expired March 27, 1939.

Ralph Michael Sheppard, to be postmaster at Hoffman, Minn., in place of R. M. Sheppard. Incumbent's commission expires August 22, 1939.

Warren B. Lievan, to be postmaster at Mapleton, Minn., in place of W. B. Lievan. Incumbent's commission expired April 16, 1939.

Wallace Oscar Merrill, to be postmaster at Silver Lake, Minn., in place of W. O. Merrill. Incumbent's commission expired May 29, 1939.

Andrew C. Peterson to be postmaster at Waubun, Minn., in place of A. C. Peterson. Incumbent's commission expired May 29, 1939.

MISSISSIPPI

Shelton M. Thomas, Jr., to be postmaster at Ellisville, Miss., in place of S. M. Thomas, Jr. Incumbent's commission expired May 17, 1939.

Luther H. Birdsong to be postmaster at Lula, Miss., in place of Florence Witherington, resigned.

Alfred H. Jones to be postmaster at McComb, Miss., in place of B. P. Albritton. Incumbent's commission expired January 30, 1938.

Henry E. Wamsley to be postmaster at State College, Miss., in place of H. E. Wamsley. Incumbent's commission expired March 7, 1939.

MISSOURI

Raymond S. Joy to be postmaster at Addison, Mo., in place of R. S. Joy. Incumbent's commission expires August 13, 1939.

David Fitzwater to be postmaster at Creve Coeur, Mo., in place of David Fitzwater. Incumbent's commission expired April 2, 1939.

NEW HAMPSHIRE

David E. Stevens to be postmaster at Salem Depot, N. H., in place of D. E. Stevens. Incumbent's commission expires August 22, 1939.

NEW YORK

Howard L. Akin to be postmaster at Chautauqua, N. Y., in place of C. M. Arnold. Incumbent's commission expired April 12, 1936.

Frank Piliere to be postmaster at Valley Cottage, N. Y., in place of Frank Piliere. Incumbent's commission expires August 21, 1939.

NORTH CAROLINA

Sarah Lucy Cooke to be postmaster at Hildebran, N. C., in place of Lucy Cooke. Incumbent's commission expires August 27, 1939.

OHIO

Charles J. Neff to be postmaster at Canfield, Ohio, in place of C. J. Neff. Incumbent's commission expired May 2, 1939.

Olive R. Kast to be postmaster at Holloway, Ohio, in place of O. R. Kast. Incumbent's commission expired July 2, 1939.

Archie L. Wardeska to be postmaster at Irondale, Ohio, in place of A. L. Wardeska. Incumbent's commission expired July 22, 1939.

Clifford Carlile to be postmaster at McClure, Ohio, in place of Clifford Carlile. Incumbent's commission expired July 2, 1939.

Florence Hunter to be postmaster at Rayland, Ohio, in place of Florence Hunter. Incumbent's commission expired July 2, 1939.

Parke Alden Wehr to be postmaster at Uniontown, Ohio, in place of H. R. Schoner. Incumbent's commission expired February 15, 1938.

Albert S. Keechle to be postmaster at Waverly, Ohio, in place of A. S. Keechle. Incumbent's commission expires August 16, 1939.

OKLAHOMA

Mabelene M. Hudspeth to be postmaster at Afton, Okla., in place of M. M. Hudspeth. Incumbent's commission expires August 27, 1939.

Grover C. Diedrich to be postmaster at Marshall, Okla., in place of G. C. Diedrich. Incumbent's commission expired June 6, 1938.

James P. Todd to be postmaster at Oilton, Okla., in place of J. P. Todd. Incumbent's commission expires August 13, 1939.

Loula Merry to be postmaster at Valliant, Okla., in place of Loula Merry. Incumbent's commission expires August 13, 1939.

Ulmer H. Still to be postmaster at Wright City, Okla., in place of U. H. Still. Incumbent's commission expires August 26, 1939.

Roy Broaddus to be postmaster at Wynona, Okla., in place of Roy Broaddus. Incumbent's commission expires August 21, 1939.

PENNSYLVANIA

Reuben S. Lauer to be postmaster at Dover, Pa., in place of R. S. Lauer. Incumbent's commission expired July 3, 1939.

Edna M. Jacobs to be postmaster at East Berlin, Pa., in place of E. M. Jacobs. Incumbent's commission expired August 2, 1939.

Stratton J. Koller to be postmaster at Glen Rock, Pa., in place of S. J. Koller. Incumbent's commission expired July 27, 1939.

Katherine A. T. Shearer to be postmaster at Herminie, Pa., in place of K. A. T. Shearer. Incumbent's commission expired August 2, 1939.

Agnes Ann Flynn to be postmaster at Laporte, Pa., in place of A. A. Flynn. Incumbent's commission expired July 3, 1939.

Charles H. Held to be postmaster at Loganton, Pa., in place of C. H. Held. Incumbent's commission expired August 2, 1939.

Royal H. Kline to be postmaster at McClure, Pa., in place of R. H. Kline. Incumbent's commission expires August 27, 1939.

Edward F. Poist to be postmaster at McSherrystown, Pa., in place of E. F. Poist. Incumbent's commission expired June 19, 1939.

William S. Bolinski to be postmaster at Mocanaqua, Pa., in place of W. S. Bolinski. Incumbent's commission expired April 6, 1939.

Marie E. Potteiger to be postmaster at Progress, Pa., in place of M. E. Potteiger. Incumbent's commission expired July 22, 1939.

RHODE ISLAND

William H. Seifert to be postmaster at Chepachet, R. I., in place of W. H. Seifert. Incumbent's commission expired July 1, 1939.

George W. Jenckes to be postmaster at Slatersville, R. I., in place of G. W. Jenckes. Incumbent's commission expired April 2, 1939.

SOUTH CAROLINA

George H. Fogle to be postmaster at Ridgeville, S. C., in place of G. H. Fogle. Incumbent's commission expired July 9, 1939.

SOUTH DAKOTA

Frederick S. Countryman to be postmaster at Canova, S. Dak., in place of F. S. Countryman. Incumbent's commission expired July 19, 1939.

VIRGINIA

Frank R. Henderson to be postmaster at Nathalie, Va., in place of F. R. Henderson. Incumbent's commission expired July 27, 1939.

Howard F. Gilliam to be postmaster at Phenix, Va., in place of H. F. Gilliam. Incumbent's commission expired July 1, 1939.

WISCONSIN

Earl P. Jamieson to be postmaster at Randolph, Wis., in place of A. T. Zieman, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 4 (legislative day of August 2), 1939

ASSISTANT SECRETARY OF STATE

Henry F. Grady to be an Assistant Secretary of State.

DIPLOMATIC AND FOREIGN SERVICE

Ray Atherton to be Envoy Extraordinary and Minister Plenipotentiary to Denmark.

UNITED STATES DISTRICT JUDGES

Lloyd L. Black to be United States district judge for the western district of Washington.

J. H. S. Morison to be United States district judge for division No. 2, district of Alaska.

COLLECTOR OF INTERNAL REVENUE

Thomas B. Hassett to be collector of internal revenue for the district of Massachusetts.

PROMOTIONS IN THE NAVY

TO BE CAPTAIN

Howard D. Bode

TO BE COMMANDERS

Robert H. Harrell
William E. A. Mullan
Daniel F. Worth, Jr.
Elwood M. Tillson
Alva J. Spriggs

TO BE LIEUTENANT COMMANDERS

Raymond F. Tyler
Thomas D. Guinn
James R. Harrison
Harold B. Herty
Fred J. Barden
Russell D. Bell
William I. Leahy
Brook S. Mansfield
Robert H. Hargrove
Charles C. Anderson
Chester A. Swafford
Henry G. Williams
William F. Ramsey
Eugene P. Sherman
Paul E. Howard
William G. Fewel
Charles P. Woodson
Harry L. Bixby
William G. Forbes
Fort H. Callahan
Charles W. Roland
Charles J. Marshall
Walter F. Weidner
John R. Hume
Roy R. Darron
Michael J. Malanaphy
David B. Justice
William B. Whaley, Jr.
Frederick S. Hall
Daniel B. Candler
Louis F. Teuscher
Philip S. Reynolds
Charles D. Beaumont, Jr.
Steele B. Smith
Albin R. Sodergren
Henry D. Batterton
Thomas E. Kelly
George A. T. Washburn
Winston P. Folk
Theodore J. Shultz
Crutchfield Adair
John H. Morrill
Chester E. Carroll
William A. Kanakanui
William J. Marshall
James M. Robinson
Ernest M. Eller
Richard G. Voge
Robert E. Cronin

TO BE LIEUTENANTS

Peter M. Gaviglio
Theodore A. Torgerson
Victor A. King
Lowell W. Williams
Charles F. Sell
Charles C. Kirkpatrick
Curtis E. Smith
Reid P. Fala
Donald T. Wilber
Alfred B. Metsger
Charles L. Crommelin
Anthony C. Roessler
Lion T. Miles
John F. Harper, Jr.
Jay S. Anderson
Karl R. Wheland
Charles O. Cook, Jr.
George B. Madden
Robert P. Beebe
John H. Brockway
Sidney J. Lawrence
Millard J. Klein
Seymour D. Owens
Nelson M. Head
John N. Hughes
Bernard F. McMahon
Philip W. Mothersill
Benjamin P. Field, Jr.
Elliott E. Marshall
Gerald L. Ketchum
Samuel E. Nelson
Robert S. Fahle
William H. Johnsen
Richard N. Antrim
Vincent J. Meola
Andrew L. Young, Jr.
Clarence L. Gaasterland
Harlan T. Johnson
Joseph T. Thornton, Jr.
Lee S. Pancake
Alden H. Irons
Henry Williams, Jr.
Wilmer E. Gallaher
William W. Fitts
Frederic S. Steinke
Jack Bercaw Williams
Charles M. Jett
Carlton C. Lucas
Ernest B. Ellsworth, Jr.
Ward T. Shields
Albert H. Wilson, Jr.
William C. Hughes, Jr.
John D. Huntley
Alfred B. Tucker, 3d
James D. Grant
Henry R. Wier
Charles L. Werts
John W. Cannon
James I. Cone
Baxter M. McKay
Robert E. C. Jones
Edward L. Foster
Joseph W. Leverton, Jr.
Warren R. Thompson
Marvin J. Jensen
James C. Dempsey
Charles W. Aldrich
Mann Hamm
Prentis K. Will
Warren G. Corliss
Walter J. Stewart
Thomas H. Copeman
Peyton L. Wirtz
James B. Weiler
Allan F. Fleming
Willard M. Hanger
Robert J. Williams
Joseph L. Evans
Otis R. Cole, Jr.

TO BE LIEUTENANTS (JUNIOR GRADE)

Jack C. Moore
Everett M. Link, Jr.
Daniel McE. Entler, Jr.
Richard A. Teel

TO BE MEDICAL DIRECTOR

Ruskin M. Lhamon

DENTAL SURGEONS WITH RANK OF COMMANDER

Carlton B. Morse
Frank V. Davis
John L. McCarthy
Louis D. Mitchell, Jr.
Robert P. Irons
Edwin D. Foulk
Walter P. Caruthers

TO BE PASSED ASSISTANT PAYMASTERS

Marshall H. Cox
Ignatius N. Tripi
John W. Crumpacker

TO BE CIVIL ENGINEER WITH RANK OF COMMANDER

Raymond V. Miller
Charles R. Johnson
Theron A. Hartung
Herbert S. Bear
Harold W. Johnson
Edmund B. Keating
Clyde W. Coryell
Edward D. Graffin
William W. Schneider
Henry E. Wilson
William O. Hiltabidle, Jr.
Cushing Phillips
James D. Wilson
John C. Gebhard

TO BE CHIEF BOATSWAIN

William E. White

POSTMASTERS

ALASKA

William H. Murray, Skagway.

ARKANSAS

Frank Welch, Carlisle.
John L. Hyde, Tillar.
Leila B. Lynch, Weiner.

CALIFORNIA

Myrtle E. Vance, Portola.
Mat Alfred Schaeffer, Vernalis.

COLORADO

Joseph A. Pfost, Arapahoe.
Charles H. Rash, Dolores.
John T. Adkins, Holly.
George H. Duke, Jr., Hotchkiss.
Cleatus G. Marshall, Pagosa Springs.
Mary E. Dermody, Strasburg.

DELAWARE

Charles J. Dougherty, New Castle.

FLORIDA

Frank W. Dole, Fellsmere.
Rubye C. Farmer, Holly Hill.
Lynn W. Bloom, Lakeland.
Charlie B. Goodman, Shamrock.
Montrose W. Neeley, Wabasso.

GEORGIA

John Frank Chappell, Americus.
John H. Jones, Fort Valley.
Lessie F. Gray, Graymont.
Edward A. Barnett, Leary.
George S. Thompson, Odum.
Watson K. Bargeron, Sardis.
Daniel M. Proctor, Woodbine.

IDAHO

Alvin L. Funk, Aberdeen.
Arvene J. Boyle, Blackfoot.
Parley Rigby, Idaho Falls.

ILLINOIS

George A. Porter, Alexis.
Leonora C. Rentschler, Chestnut.
Ben Bramlett, Enfield.
Howard M. Feaster, Hillsdale.
Gertrude G. Schrader, Leland.
Jane M. Dorfler, Mundelein.
Irwin Knudson, Newark.
Robert J. White, New Berlin.
William K. Lyon, Niles Center.
Mary Bellert Corson, Northbrook.
William H. Woodard, North Chicago.
Mansford W. Blackard, Omaha.
Lena Maude McBride, Pawpaw.
Edna O. Trumbull, River Grove.
Parke Burnham, Ullin.
Agnes Clifford, Venice.
Irma M. Clark, Victoria.
Herbert L. O'Connell, Wilmette.
John R. King, Winchester.
Grover Cleveland Thornton, Worden.

INDIANA

Joseph A. McCormick, Ambia.
Ira G. Davis, Anderson.
Samuel O. McCarty, Carthage.
Quitman J. Van Laningham, Fortville.
Ada R. Wilson, Galveston.
Lee Fattic, Middletown.
Henry T. Cain, Remington.
Carl F. Bardonner, Reynolds.
Cova H. Wetzel, Rockport.
Thomas J. Conley, Rome City.
Frank L. Hand, Royal Center.
Leo Bertram Whitehead, Syracuse.
Orel R. Small, Walton.

IOWA

Willis C. Hussey, Albert City.
Nels A. Christensen, Alta.
Julia E. Dean, Blanchard.
Jens P. Jensen, Bode.
John H. Schulte, Breda.
James S. Walton, Clearfield.
Robert H. Stoneking, Cushing.
Ralph Schroeder, Dysart.
Walter R. Price, Earlham.
Ralph A. Kelley, Early.
Ida Belle Stokes, Emerson.
John O. Bussard, Essex.
Hans P. Hansen, Jr., Exira.
Jacob S. Forgrave, Farmington.
Eugene C. Dodds, Fontanelle.
Mary G. Thompson, Grand Junction.
Alice F. Fogarty, Irwin.
Wallace W. Farmer, Kellerton.
John E. Leinen, Keota.
Frank F. Konrad, Lacona.
Arthur G. Buchanan, Lime Spring.
Avis Monette Fox, Little Sioux.
William F. Gaddis, Lovilia.
John E. Amdor, Massena.
Gay S. Morgan, Milton.
Patrick H. English, Monona.
Darrell C. Laurenson, Moorhead.
Opal H. Wallace, New Market.
Gladys M. Heiland, Panora.
John R. Strickland, Parkersburg.
Francis W. Aubry, Perry.
Charles A. Alter, Persia.
Charles B. Chapman, Prescott.
Nora E. Knapp, Quimby.
Clarence J. Bunkers, Remsen.
George S. Peters, Renwick.
Harve E. Munson, Rippey.
Henry M. Michaelson, Sergeant Bluff.
Clara L. Chansky, Solon.
Hazel O. Graves, Stanton.
Marie Eilers, Steamboat Rock.
Porter V. Hall, Union.
John F. Zimpfer, Walker.
Mack C. DeLong, Washington.
Olive A. Burrows, Wilton Junction.

KENTUCKY

Ben P. Edrington, Bardwell.
George Baxter Ramsey, Dawson Springs.
Maria T. Fish, Frankfort.
Ernest Meek, Paintsville.
John A. McCord, Pineville.
Clinton F. Cleek, Walton.

MAINE

Ward F. Snow, Blue Hill.
Hubert A. Nevers, Patten.

MASSACHUSETTS

Harold A. Harrington, Graniteville.
Edmund C. Tyler, Great Barrington.
George L. Magner, Hingham.
John F. Mack, Housatonic.
Carl E. Brown, Lunenburg.
Alice E. Roberts, Nantucket.
Peter Victor Casavant, Natick.
Annie E. Gallagher, North Wilmington.
Dennis P. Sweeney, Pittsfield.
Katharine F. Rafferty, Rowley.
John F. Finn, Stoughton.
Frank J. Lucey, Wenham.
James F. Healy, Worcester.

MICHIGAN

Mabel A. Amspoker, Ashley.
Francis W. Jewell, Elberta.
Natalie G. Marker, Elk Rapids.
David G. Bernard, Hale.
Samuel B. Pizer, Harrisville.
Etta V. Schram, Lincoln.
Edgar S. Allen, Mancelona.
Thomas Edward Shine, Port Austin.
Archie M. Stinchcomb, Sunfield.
Edward N. Moroney, Trenton.
Michael A. Maher, Vermontville.

MISSOURI

Bernice F. Degginger, Albany.
Thomas Wert Gwaltney, Charleston.
Charles Gentry, Houston.
Leslie L. Travis, Joplin.
Myrtie P. Chastain, Koshkonong.
Gerald R. Cooper, Laredo.
Sam G. Downing, Malden.
Marion W. Stauffer, Maryville.
Pleas M. Malcolm, Sikeston.
Edith E. Highfill, Thayer.
Summerfield Jones, West Plains.

NEBRASKA

Ralph L. Ferris, Boelus.
John L. Delong, Bushnell.
William E. McCaulley, Chappell.
Harold Hald, Dannebrog.
Cecil Brundige, Litchfield.
James A. Dunlay, Orleans.

NEW HAMPSHIRE

Vincent P. Brine, Amherst.

NEW JERSEY

S. Russell Hunt, Delanco.
Leroy Jeffries, Ocean City.
Edward R. Smith, Pitman.
Martin F. Gettings, Rahway.
Alexander W. McNeill, Ridgewood.

NEW MEXICO

Elzie L. Wells, Deming.

NEW YORK

Freida L. Brickner, Bolton Landing.
George W. Caldwell, Lake George.
Earl F. Sebald, Lake Luzerne.

NORTH CAROLINA

Willie S. Hogan, Chapel Hill.
John W. Mosteller, Cherryville.
Henry A. McNeely, China Grove.
Robert H. Edwards, Goldsboro.
Robert G. Creech, La Grange.
Luther M. Carlton, Roxboro.

NORTH DAKOTA

Herman A. Borcherding, New England.

OHIO

Florent G. Orr, Basil.
Clarence T. Zwickel, Bremen.
Worthy A. Circle, Springfield.

OKLAHOMA

Helen A. Coulter, Wakita.
Robert D. Taylor, Webb City.

OREGON

Viva R. Todd, Cloverdale.
George E. Travis, St. Benedict.
Harry M. Stewart, Springfield.

PENNSYLVANIA

Emma V. Brown, Avella.
Howard Walter Stough, Grapeville.
Robert E. Holland, Kane.
William E. Rutter, Kinzers.
John K. Newcomer, McClellandtown.
Edward F. Januszewski, Monessen.
Stanley B. Janowski, Nanticoke.
Sara S. Broadbelt, Newtown Square.
Vera C. Remaley, Penn.
Karl Smith, Sharpsville.
Catherine V. Lybarger, Vintondale.
George J. Moses, West Chester.

PUERTO RICO

Juan Aparicio Rivera, Adjuntas.
Alfredo F. Irizarry, Cabo Rojo.
Francisco R. Fernandez, Guayama.
Eduvigis de la Rosa, Isabela.
Ricardo Mendez, Jr., Lares.
Antonio Godinez, Rio Piedras.

TENNESSEE

Mary Amelia Slack Copenhaver, Bristol.
Miss Willie Ozelle Barnes, Cowan.
Nell I. Griffith, Vonore.

TEXAS

Richard T. Rieger, Decatur.
Earl D. Massey, Killeen.
Mary A. Hogan, Pharr.

WISCONSIN

Grant E. Denison, Carrollville.
John T. Murphy, Delavan.

HOUSE OF REPRESENTATIVES

FRIDAY, AUGUST 4, 1939

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Infinite and Eternal God, with bowed heads and uncovered hearts we come into Thy presence. We thank Thee for the revelation which Thou hast made of Thyself as a prayer-answering God, and that our ceaseless needs do not exhaust Thy patience.

We pray that we may be more sensitive to Thee and the great spiritual realities, for Thou art the light of the hearts that know Thee, the life of the souls that love Thee, and the strength of the minds that seek Thee; from whom to turn away is to fall, but in whom to abide is to stand fast forever.

Wilt Thou also make us more tender in our relationship to our fellow men. Fill us with a capacity and a longing to enter, sympathetically and helpfully, into the experiences and needs of our countrymen and mankind everywhere. O God, what are we here for if not to make life less difficult for one another and so fulfill the law of Christ.

Hear our prayer for the sake of the great Burden Bearer who went about doing good. Amen.