

because of minority or misrepresentation of age; to the Committee on Naval Affairs.

By Mr. BLAND: Resolution (H. Res. 504) for the consideration of House Joint Resolution 685; to the Committee on Rules.

By Mr. THOMAS of Texas: Joint resolution (H. J. Res. 692) authorizing the President to invite the States of the Union and foreign countries to participate in the Oil World Exposition at Houston, Tex., to be held April 24 to 29, 1939, inclusive; to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BLAND: A bill (H. R. 10696) granting an increase of pension to Mary W. Osterhaus; to the Committee on Pensions.

By Mr. COLE of New York: A bill (H. R. 10697) granting an increase of pension to Forrest E. Andrews; to the Committee on Pensions.

By Mr. MURDOCK of Arizona: A bill (H. R. 10698) to correct the Navy Department records and discharge certificate of Austin Chauncey Repp; to the Committee on Naval Affairs.

#### PETITIONS, ETC.

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

5164. By Mr. CURLEY: Petition of the United Federal Workers of America, urging enactment of the Federal Workers' Minimum Wage Act; to the Committee on the Civil Service.

5165. Also, petition of the International Union of United Furniture Workers of America, urging enactment of the wage-hour bill; to the Committee on Labor.

5166. Also, petition of 40,000 employees of the Consolidated Edison Co., of New York, urging enactment of the wage-hour bill; to the Committee on Labor.

5167. Also, petition of 1,500 members of Joint Council 13, United Shoe Workers of America, urging enactment of the wage and hour bill; to the Committee on Labor.

5168. Also, petition of the New York Regional Council, United Federal Workers of America, urging enactment of the Federal Appeal Act for civil-service employment and the Five Day Week Act for Federal employees; to the Committee on the Civil Service.

5169. By Mr. LUTHER A. JOHNSON: Memorial of Charles A. Salmon, J. E. Mattison, L. D. Brotherton, W. W. Newberry, E. W. Brautigan, O. P. Price, and Macon Mattison, members of the board of trustees of the Jewett Independent School District, Jewett, Tex., favoring House bill 10340; to the Committee on Education.

5170. Also, memorial of Miss A. Louise Dietrich, general secretary, Texas Graduate Nurses' Association, favoring House bill 10241; to the Committee on Ways and Means.

5171. By Mr. KENNEDY of New York: Petition of the Blind Industrial Workers Association of New York State, Inc., Brooklyn, N. Y., urging the passage of Senate bill 2819; to the Committee on Interstate and Foreign Commerce.

5172. Also, petition of the New York League of Women Voters, New York City, favoring passage of the Ramspeck postmasters bill as passed by the House; to the Committee on the Civil Service.

5173. Also, petition of Abraham & Straus, Inc., Brooklyn, N. Y., urging the enactment of House bill 9209, introduced by Congressman Tower; to the Committee on Ways and Means.

5174. Also, petition of the United Paper Workers, Long Island Union, 292, New York City, urging enactment of the wage-hour bill; to the Committee on Labor.

5175. Also, petition of the Newspaper Guild of New York, urging enactment of the wage-hour bill, etc.; to the Committee on Labor.

5176. Also, petition of the Transport Workers Union of Greater New York, urging enactment of the wage-hour bill; to the Committee on Labor.

5177. Also, petition of the United Optical Workers Union, New York City, urging enactment of the wage-hour bill; to the Committee on Labor.

5178. Also, petition of the United Electrical, Radio, and Machine Workers of America, Machine and Instrument Local 1227, Long Island City, N. Y., concerning recovery program, wage and hour legislation, housing and slum clearance, relief and jobs for the unemployed, and aid to the small-business man; to the Committee on Labor.

5179. By Mr. MERRITT: Petition of State, County, and Municipal Workers of America, Local No. 40, New York City, N. Y., urging enactment of the wage and hour bill; to the Committee on Labor.

5180. Also, resolution of the Allied Veterans' Employment Committee of Queens County, N. Y., requesting that the Representatives from New York look into the conditions existing at the Brooklyn Navy Yard; that the yardstick method of classification in use at the yard is unfair to the many who wish to work there; that men who have been laid off have been approached by the Workers' Alliance and asked to join with the promise they will be restored to their jobs; to the Committee on Labor.

5181. Also, resolution of the Quartermen and Leadingmen's Association, Navy Yard, N. Y., that the 30-day suspension of leadingmen and quartermen in connection with the irregularities in vouching for applicants for employment in the New York Navy Yard be canceled or that the penalty be modified; to the Committee on Labor.

## SENATE

THURSDAY, MAY 19, 1938

(Legislative day of Wednesday, April 20, 1938)

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

#### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, May 18, 1938, was dispensed with, and the Journal was approved.

#### MESSAGES FROM THE PRESIDENT

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

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4852) to provide for the creation of the Saratoga National Historical Park in the State of New York, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8008) to provide for the purchase of public lands for home and other sites.

The message further announced that the House had passed the bill (S. 3845) to create a civil aeronautics authority, and to promote the development and safety and to provide for the regulation of civil aeronautics, with amendments, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED

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

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

S. 750. An act to grant relief to persons erroneously convicted in courts of the United States;

S. 842. An act to provide for an investigation and report of losses resulting from the campaign for the eradication of the Mediterranean fruitfly by the Department of Agriculture;

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

S. 1700. An act for the relief of William A. Patterson, Albert E. Rust, Louis Pfeiffer; and John L. Nesbitt and Cora B. Geller, as executors under the will of James T. Bentley;

S. 3290. An act to impose additional duties upon the United States Public Health Service in connection with the investigation and control of the venereal diseases;

S. 3691. An act to provide for the appointment of additional judges for certain United States district courts, circuit courts of appeals, and certain courts of the United States for the District of Columbia;

H. R. 5030. An act granting pensions and increases of pensions to certain soldiers, sailors, and nurses of the War with Spain, the Philippine Insurrection, or the China Relief Expedition, and for other purposes; and

H. R. 7187. An act to amend section 12B of the Federal Reserve Act, as amended.

The message also 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. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1939, and for other purposes.

THE AIR-MAIL TRIBUTE TO MEMORY OF THE LATE HONORABLE  
WILLIAM GRAVES SHARP

Mr. BULKLEY. Mr. President, I ask unanimous consent to submit a concurrent resolution and to have it considered at this time.

The VICE PRESIDENT. Is there objection?

There being no objection, the concurrent resolution (S. Con. Res. 35) was considered, and unanimously agreed to as follows:

Whereas the late Honorable William Graves Sharp, with prophetic vision, introduced in the House of Representatives on April 21, 1918, the first bill which provided for the carrying of the mail by airplane; and

Whereas air-mail service now reaches every part of the Nation and has been extended to lands across the sea: Therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That the Congress of the United States hereby honors and pays tribute to the memory of the Honorable William Graves Sharp for having introduced and supported the first bill providing for Air Mail Service.

ISSUANCE OF TREASURY BONDS AND NOTES

Mr. HARRISON. I ask unanimous consent that the Senate proceed to the consideration of House bill 10535, to amend the Second Liberty Bond Act, as amended. A similar Senate bill has been reported by the Finance Committee, and is now on the Senate Calendar, being Order of Business No. 1833.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 10535) to amend the Second Liberty Bond Act, as amended.

Mr. VANDENBERG. Mr. President, may I ask the Senator from Mississippi whether the amendment proposed to be offered by my colleague [Mr. BROWN of Michigan] has been abandoned?

Mr. HARRISON. I may say to the Senator that I thought probably there would be a roll call asked for immediately, and I merely wanted the bill to be pending. We have agreed upon an amendment which will be offered later.

CALL OF THE ROLL

Mr. LEWIS. 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	Bailey	Berry	Borah
Andrews	Bankhead	Bilbo	Bridges
Austin	Barkley	Bone	Brown, Mich.

Bulkley	Gillette	Loneragan	Radcliffe
Bulow	Glass	Lundeen	Russell
Burke	Green	McAdoo	Schwartz
Byrd	Guffey	McCarran	Schwollenbach
Byrnes	Hale	McGill	Sheppard
Capper	Harrison	McKellar	Shipstead
Caraway	Hatch	McNary	Smathers
Chavez	Hayden	Maloney	Smith
Clark	Herring	Miller	Thomas, Utah
Copeland	Hill	Minton	Townsend
Davis	Hitchcock	Murray	Truman
Dieterich	Holt	Neely	Tydings
Donahay	Hughes	Norris	Vandenberg
Duffy	Johnson, Calif.	Nye	Van Nuys
Ellender	Johnson, Colo.	O'Mahoney	Wagner
Frazier	King	Overton	Walsh
George	La Follette	Pepper	Wheeler
Gerry	Lewis	Pittman	White
Gibson	Logan	Pope	

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

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

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

Mr. AUSTIN. I announce that the Senator from Massachusetts [Mr. LONGE] is necessarily absent on official business.

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

ORDINANCES OF PUBLIC SERVICE COMMISSION OF PUERTO RICO

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, ordinances adopted by the Public Service Commission of Puerto Rico, which, with the accompanying papers, was referred to the Committee on Territories and Insular Affairs.

PETITIONS

The VICE PRESIDENT laid before the Senate a resolution adopted by the Philadelphia (Pa.) Housing Authority, favoring the enactment of the bill (S. 3911) to amend the United States Housing Act of 1937, which was referred to the Committee on Education and Labor.

Mr. TYDINGS presented a petition of sundry citizens of Frederick, Md., praying for the enactment of legislation to prohibit the advertising of alcoholic liquors by the press and radio, which was referred to the Committee on the Judiciary.

Mr. WAGNER presented resolutions adopted by the Philadelphia Housing Authority and the Stark Tri-County Building Trades Council, which were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

I, W. R. Tucker, Jr., secretary of the Philadelphia Housing Authority, do hereby certify that at a regularly called meeting of the Authority held May 16, 1938, at which a quorum was present, the following actions were had:

"Whereas an amendment to the United States Housing Act of 1937—S. 3911—to aid municipal authorities is now before the Congress of the United States; and

"Whereas the amendment contemplates the issue of bonds by U. S. H. A. in the amount of \$1,000,000,000, instead of \$500,000,000 now allowed, permission to lend the entire \$500,000,000 provided by the original act immediately instead of delaying loans on the last \$200,000,000 until July 1, 1939; and

"Whereas the present earmarking of funds to the Philadelphia Housing Authority by the U. S. H. A. is \$22,000,000, which will supply less than 10 percent of the immediate and urgent need for low-rent housing in Philadelphia; and

"Whereas there is similar need for low-rent housing throughout the Commonwealth of Pennsylvania, which cannot be remedied by the present funds available to this State; Now, therefore, be it

*Resolved,* That the Philadelphia Housing Authority be, and it hereby does, express its emphatic approval of the amendment; and be it further

*Resolved,* That the secretary be, and he is hereby, instructed to forward certified copies of these preambles and resolutions to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, Senator ROBERT F. WAGNER, Congressman HENRY B. STEAGALL, the chairman of the Senate Committee on Education and Labor, the members of the Senate Committee on Education and Labor, the members of

the House Committee on Banking and Currency, and to the Members of Congress from Pennsylvania."

In witness whereof I have hereunto set my hand and caused the official seal of the Authority to be affixed this 16th day of May 1938.  
[SEAL]

W. R. TUCKER, Jr., Secretary.

Whereas as a result of inequalities that have existed in the W. P. A. as regards various crafts and trades, where these projects are completed by so-called handy men, it has impaired the efficiency and the progress of successful construction: Therefore be it

*Resolved*, That all W. P. A. appropriations shall provide the protective features for the building trades that are provided in the P. W. A., and all persons who are not skilled in the work to which they have been assigned should immediately be reclassified and assigned to work for which they are qualified.

Also, all W. P. A. work to be let by competitive bids where possible, and a small fee basis on projects impossible of lump-sum awards, for use of regularly established construction organizations; thus saving immense amounts of money and rebuilding citizenship.

STARK TRI-COUNTY BUILDING TRADES COUNCIL,  
H. EWALD, President.  
E. C. SAGER, Secretary.

#### NATIONAL LABOR RELATIONS ACT—PETITION

Mr. BURKE presented a petition of several citizens, being representatives of independent labor, which was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, with the signatures, as follows:

MAY 3, 1938.

A petition to the Congress of the United States of America  
We have come to Washington to tell you, our representatives in Congress, that the great body of wage earners of the country demand relief from the intolerable injustices of the Wagner Act. Labor wants relief now, before this Congress adjourns.

Workers are waking up to realize that this so-called Magna Carta of labor is a hangman's noose. It has discredited the whole labor movement and endangered the very principle of collective bargaining, which we want upheld.

The Wagner Act, as administered by the partisan members and subordinates of the National Labor Relations Board, has done more, in our opinion, to dig this pit of depression and bury labor in it than anything else.

Now the Nation faces more uncertainty, which must continue as long as this one-sided law remains. The Labor Board, overtaken by the Supreme Court's ruling that administrative agencies must give all citizens "fair and open hearings," admits that subordinates whom Congress never heard of make the Labor Board's decisions. And we know, from bitter experiences, that the decisions are reached without such "fair and open hearings."

Some of us have appealed to the Board and our petitions have been denied a hearing. The Board told us to appeal to the courts, knowing full well that its discrimination against all independent labor organizations has so crippled them as to make it almost impossible to finance an appeal. Still the members of independent labor unions are taxed, along with the rest, to support a Board which uses its power to persecute and destroy independent labor.

The surest way to restore confidence to business and hope to workers and jobs to the unemployed is to cut the abuses out of the Wagner Act and abolish the present Labor Board. And we mean now.

Amend the Wagner Act and build on a new, solid foundation. But assure us that a decent amendment will be made without unnecessary delay. Could not a joint committee of Congress study the British Trades Disputes Act and other progressive labor laws and substitute a sensible and just bill? In the meantime, and before you go home to face your constituents, we urge you to rid us of the octopus that is strangling both industry and labor.

By "labor" we mean the 85 percent of the gainfully employed who, like ourselves, are members of independent unions or no unions at all, as well as the 14 percent, more or less, who are members of Mr. Green's A. F. of L. or Mr. Lewis' C. I. O.

The National Labor Relations Act was not written for these 99 percent, but for the remaining 1 percent (or less) who are the officers and paid organizers of the A. F. of L. and the C. I. O. Of course, they and their paid lobbyists and press agents will tell you and the public that any legislator who dares touch one line of their sacred Wagner Act will die like a political dog. We are here to tell you that it isn't so. We know what the rank and file are thinking and saying—on the assembly lines, at the punch presses, in the foundries, and in the lengthening line of the unemployed. And please don't forget that the votes of the inarticulate rank and file of workers will far outnumber the rest.

The real wage earners are sick of the Wagner Act and its "kangaroo court," the N. L. R. B., with its biased examiners, its bulldozing prosecutors, and its swarm of press agents. The rank and file know the Wagner Act has cost them hundreds of millions in employment lost through this depression and through strikes. They know that many of the strikes were never authorized by a majority and were for no other purpose than to increase the power of Mr. Lewis or Mr. Green.

The workers want a labor law that will protect labor and the public and be fair to employers. It should reserve the right to strike and preserve the right to work. It should protect the right to organize, to join, or not to join any kind of a union. It should protect the worker from coercion by employer, fellow worker, and organizer.

Labor unions should be made responsible. We don't believe compulsory incorporation will do it; let incorporation be optional, as it is in business. But make every labor organization register with a public authority, and don't let that public authority become the partisan of any particular form of unionism or of any special class of workers. Compel every labor organization to file regularly with such authority the names and addresses of its officers, the number of paid and unpaid members, and show exactly what becomes of all the money collected.

Require labor organizers to meet certain standards of character in order to obtain a license to do business, just as insurance and real-estate agents and securities salesmen must do. This would help keep out the racketeers.

Let the law define legal and illegal strikes, and "unfair labor practices" of employers, workers, and unions. Outlaw sit-downs, and make strike lawlessness no less serious an offense than any other lawlessness.

Put a stiff penalty on misrepresentations by either side in a labor dispute. Protect workers in their right to be told the truth about their employers and their right to know what their leaders are asking them to strike for. False representations that cause workers to join a union, pay dues, strike and lose their wages and perhaps their jobs, should be just as much a criminal offense as false representations in the selling of securities, insurance, or advertising.

All reasonable requirements that make workers and their organizations responsible, lift labor up to a self-respecting position in society. Labor wants to be on a plane of equality with the employer. No lopsided, un-American law, written like the Wagner Act as undisguised class legislation, can ever establish labor's equality before the law. Equality before the law is all that any citizen in a democracy is entitled to ask, and that is all we want for American workmen and women.

The Wagner Act's limited class of special beneficiaries—the professional labor organizers—will warn you that any amendment of the Wagner Act means a step backward for labor. We say: A step backward, at the edge of a precipice, is a step in the right direction.

We charge the National Labor Relations Board with the following unfair and un-American practices:

1. Biased tactics in the administration of hearings conducted before their hand-picked trial examiners.
- a. By the unscrupulous use of subpoena.
- b. By the acceptance of one-sided testimony without substantial proof or verification.
- c. By manipulation of the right to challenge witnesses' testimony.
2. By assessing prohibitive costs for hearings so that the small employer or independent labor union cannot afford to defend itself or enter proper testimony or defense.
3. By hiring individuals of questionable beliefs in the American form of government as employees of the Board.
4. By condoning and encouraging strikes, illegal trespass, violence, coercion, intimidation, labor racketeering, perjury, blackmail, and disrespect for law and order.
5. By discouraging private enterprise, personal initiative, respect for legitimate courts of law, reemployment of labor in industry, and independent thinking in the right to work or not to work.
6. By their findings and orders, guaranteeing immunity from loss of jobs for illegal acts committed by workers while on strike or previous to a strike.
7. By various methods, controlling employee elections so that the Board-approved collective bargaining agency may be certified.
8. By acting as an enlistment and dues-collecting agency, thus forcing workers to join the Board's favored union.
9. By collusion with certain labor unions.
10. By discouraging cordial relations between employer and employee.
11. By discriminating against independent unions by insisting upon a code of behavior in employer-employee relations that are ridiculous and impossible of fulfillment.
12. By fomenting class warfare.
13. And by discouraging the normal flow of capital for new business enterprises and retarding the ultimate recovery from the present recession.

We further petition and recommend to the Congress that the following changes be made in amending the National Labor Relations Act so that it may be an equitable and American act, equally fair to all who labor and to our employers on whom we depend for our jobs and for the ability to live by the American standard of living:

#### THE REMEDY

1. Amend that section of the act setting up the National Labor Relations Board making it compulsory that the personnel be composed of—
  - a. A member who understands and is sympathetic toward those who labor.

b. A member who understands the problems of the employer of labor, and

c. A member who has the general public viewpoint.

2. Make it compulsory that all appointees of the Board (regional directors, lawyers, etc.), shall be required to take a civil service or other examination to determine their fairmindedness and belief in the American form of government and their ability to act in fairness and justice to all concerned.

3. Trial examiners shall be appointed by the United States Circuit Court of Appeals for service in their respective districts.

4. Make it compulsory that all labor unions or groups who are approved bargaining agencies shall register with the Board periodically, giving the names of officers, membership, national affiliations (if any) and an annual accounting of all funds received and expended. All national or affiliated groups of more than one collective bargaining agency shall give the names of their officers, their affiliated locals, and an annual accounting of all funds received and expended and the salaries of their officers.

5. Make it unlawful to engage in the participation of strikes which affect interstate commerce in any manner whatsoever, wherein said participants have no interest other than pecuniary.

6. Define a union (whether national or local) and give independent unions equal rights with national unions.

7. Outlaw all illegal acts by either employer or employees.

8. Make it possible for either employer or employees to enter complaints of unfair or illegal labor practices.

9. Give to minority groups certain collective bargaining rights for their members.

10. Decisions of the Board shall be argued and enforced by the Federal District Court instead of the circuit court of appeals.

11. Coordinate the National Labor Relations Board with the Labor Department so that they may work in harmony and for the benefit of those concerned.

We, the undersigned, representatives of independent labor submit this declaration and petition to Congress, with the respectful demand of immediate action.

(Signed) ARTHUR C. WICK.  
JOHN L. SMITH.  
REGINALD BOATE.  
P. W. HORNER.  
CLYDE E. SHALES.  
ELMER PETERSON.  
CHAS. R. SMITH.  
ROY MAYS.

#### REPORTS OF COMMITTEES

Mr. BULKLEY, from the Committee on Banking and Currency, to which was referred the bill (S. 3754) to amend sections 729 and 743 of the Code of Laws of the District of Columbia, reported it without amendment and submitted a report (No. 1802) thereon.

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

S. 3708. A bill for the relief of Jack Lecel Haas (Rept. No. 1805);

S. 3891. A bill to provide for the reimbursement of certain enlisted men of the Navy for the value of personal effects lost in a fire at the naval air station, Hampton Roads, Va., May 15, 1936 (Rept. No. 1806); and

H. R. 9611. A bill to permit sales of surplus scrap materials of the Navy to certain institutions of learning (Rept. No. 1803).

He also, from the Committee on Naval Affairs, to which was referred the bill (S. 3805) to adjust the lineal positions on the Navy list of certain officers of the Supply Corps of the United States Navy, reported it with an amendment and submitted a report (No. 1804) thereon.

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the resolution (S. Res. 273) continuing Senate Resolution No. 71 (74th Cong.), authorizing an investigation of interstate railroads and affiliates with respect to financing, reorganizations, mergers, and certain other matters, reported it without amendment and submitted a report (No. 1809) thereon.

He also (for Mr. THOMAS of Oklahoma), from the Committee on Indian Affairs, to which was referred the bill (S. 4009) to reimburse the Eastern and Western Cherokees for funds erroneously charged against them, and for other purposes, reported it without amendment and submitted a report (No. 1807) thereon.

Mr. McADOO, from the Committee on Patents, to which was referred the bill (S. 3969) to amend section 23 of the

act of March 4, 1909, relating to copyrights, reported it with amendments and submitted a report (No. 1808) thereon.

Mr. THOMAS of Utah, from the Committee on Education and Labor, to which was referred the bill (S. 2165) to amend the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," reported it with an amendment and submitted a report (No. 1810) thereon.

Mr. BERRY, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 667) to authorize an appropriation to aid in defraying the expenses of the observance of the seventy-fifth anniversary of the Battles of Chickamauga, Ga., Lookout Mountain, Tenn., and Missionary Ridge, Tenn.; and commemorate the one hundredth anniversary of the removal from Tennessee of the Cherokee Indians, at Chattanooga, Tenn., and at Chickamauga, Ga., from September 18 to 24, 1938, inclusive; and for other purposes, reported it without amendment and submitted a report (No. 1811) thereon.

#### CONTINUATION OF INVESTIGATION OF SURVEY OF INDIAN CONDITIONS

Mr. BYRNES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, with an amendment, Senate Resolution 258, and ask unanimous consent for its present consideration.

Mr. KING. Mr. President, does the resolution provide for the expenditure of any money?

Mr. BYRNES. It involves no expenditure of money. The resolution simply authorizes the Committee on Indian Affairs to continue an investigation. It does not provide any funds.

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

There being no objection, the Senate proceeded to consider the resolution (S. Res. 258) submitted by Mr. THOMAS of Oklahoma on March 31, 1938.

The amendment of the Committee to Audit and Control the Contingent Expenses of the Senate was, in the last line of the resolution, before the word "Congresses", to strike out the words "and succeeding", and at the end of the resolution to strike out "Congresses" and insert "Congress", so as to make the resolution read:

*Resolved*, That Senate Resolution 79, agreed to February 2, 1928, and continued by subsequent resolutions, authorizing the Committee on Indian Affairs, or any subcommittee thereof, to make a general survey of the condition of the Indians in the United States, hereby is continued in full force and effect during the Seventy-sixth Congress.

The amendment was agreed to.

The resolution as amended was agreed to.

#### NATIONAL ECONOMIC COUNCIL

Mr. BULKLEY, from the Committee on Manufactures, reported a resolution (S. Res. 281), which, under the rule, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Manufactures, authorized by Resolution No. 114, Seventy-fourth Congress, to investigate the desirability of establishing a National Economic Council, hereby is authorized, in pursuance of such investigation, to expend from the contingent fund of the Senate \$10,000 in addition to the amounts heretofore authorized for such purpose.

#### BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. HATCH:

A bill (S. 4050) to repeal section 2 of the act of June 16, 1936, authorizing the appointment of an additional district judge for the eastern district of Pennsylvania; to the Committee on the Judiciary.

By Mr. WAGNER:

A bill (S. 4051) to simplify the accounts of the Treasurer of the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. BERRY:

A bill (S. 4052) to provide for the establishment of the Joseph W. Byrns Memorial Center at Springfield, Tenn.; to the Committee on the Library.

By Mr. COPELAND:

A bill (S. 4053) to amend the Merchant Marine Act, 1936, and for other purposes; to the Committee on Commerce.

By Mr. WALSH:

A joint resolution (S. J. Res. 297) to provide for the completion of the Navy and Marine Memorial; to the Committee on Naval Affairs.

JOINT CONGRESSIONAL COMMITTEE ON TAXATION OF GOVERNMENTAL SECURITIES AND SALARIES

Mr. BROWN of Michigan submitted the following concurrent resolution (S. Con. Res. 36), which was referred to the Committee on Finance:

Senate Concurrent Resolution 36

*Resolved by the Senate (the House of Representatives concurring).* That there is hereby established a joint congressional committee (hereinafter referred to as the "joint committee"). The joint committee shall be composed of three Members of the Senate who are members of the Committee on Finance and three Members of the Senate who are members of the Committee on the Judiciary, to be appointed by the President of the Senate, and three Members of the House of Representatives who are members of the Committee on Ways and Means and three Members of the House of Representatives who are members of the Committee on the Judiciary, to be appointed by the Speaker of the House of Representatives. A vacancy in the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original appointment. The joint committee shall select a chairman from among its members.

SEC. 2. It shall be the duty of the joint committee to make a thorough study and investigation with respect to the taxation, and the exemption from taxation, of (1) securities issued by or under the authority of the United States or the several States or political subdivisions thereof, (2) income derived from such securities, and (3) income received as compensation from the United States or from any State or political subdivision thereof. The joint committee shall report to the Senate and the House of Representatives, not later than February 1, 1939, the result of its study and investigation together with such recommendations as it deems advisable.

SEC. 3. The joint committee, or any subcommittee thereof, shall have power to hold hearings and to sit and act at such places and times, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to have such printing and binding done, and to make such expenditures as it deems advisable. Subpenas shall be issued under the signature of the chairman of the joint committee, and shall be served by any person designated by him. The expenses of the said investigation, which shall not exceed \$ , shall be paid out of the contingent funds of the Senate and House of Representatives, one-half to be disbursed by the Secretary of the Senate and one-half by the Clerk of the House of Representatives.

SEC. 4. The joint committee shall have power to employ and fix the compensation of such officers, experts, and employees as it deems necessary in the performance of its duties, but the compensation so fixed shall not exceed the compensation fixed under the Classification Act of 1923, as amended, for comparable duties. The joint committee is authorized to request the use of the services, information, facilities, and personnel of the departments and agencies in the executive branch of the Government and of the Joint Committee on Internal Revenue Taxation.

SEC. 5. All authority conferred by this joint resolution shall expire on February 1, 1939.

UNLAWFUL ENTRY INTO OFFICES OF SENATORS

Mr. BRIDGES submitted the following resolution (S. Res. 282), which was referred to the Committee on Rules:

*Resolved,* That the Secretary of the Senate is authorized and directed to pay, from the contingent fund of the Senate, rewards in the amount of \$1,000 in each case for the giving of evidence leading to the conviction of any person for unlawfully breaking and entering the office or storage room of any Senator, or for unlawfully taking and carrying away, defacing, mutilating, or destroying any property in any such office or storage room.

ANALYSIS OF WAGE AND HOUR BILL

Mr. WALSH. Mr. President, I have a letter which I requested from the Solicitor of the Department of Labor, Mr. Gerald D. Reilly, enclosing an analysis of the essential differences between the provisions and techniques of the Senate draft and the House draft of the so-called wage and hour bill. I submit the analysis for the information of the Senate, and ask that it be printed in the RECORD.

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

DEPARTMENT OF LABOR,  
OFFICE OF THE SOLICITOR,  
Washington, May 18, 1938.

Hon. DAVID I. WALSH,  
*United States Senate, Washington, D. C.*

DEAR SENATOR WALSH: Enclosed herewith is a brief comparative analysis of the wage and hour bill as passed by the Senate and as reported by the House Labor Committee. This analysis deals only with essential differences in the provisions and techniques of the two drafts and does not seek to appraise the desirability of one as against the other.

Faithfully yours,

GERALD D. REILLY, *Solicitor of Labor.*

COMPARATIVE ANALYSIS OF PROVISIONS OF WAGE AND HOUR BILL AS PASSED BY THE SENATE AND AS REPORTED BY THE HOUSE COMMITTEE ON APRIL 21, 1938

HOUSE

SENATE

*Declaration of policy*

The declaration of policy contained in the House committee version is substantially the same as that passed by the Senate.

*Definitions*

"Employee" is defined to mean any individual employed, suffered, or permitted to work (contains separate section (sec. 11) dealing with exemptions, which will be discussed below).

"Agriculture" is defined in general language and probably does not include forestry within its meaning.

"Employee" defined in such a way as to contain the various exemptions from the provisions of the act.

"Agriculture," in addition to carrying the general definition, is defined to include certain specific agricultural enterprises, such as growing of fruits, vegetables, nuts, flowers, livestock, bees, etc.

*Administration*

The administration is lodged with the Secretary of Labor, who is required to function through the Children's Bureau with reference to the enforcement of the provisions of the child-labor sections.

The administration is committed to a Labor Standards Board of five members appointed by the President.

*Wages and hours*

Fixes a rigid minimum wage of 25 cents the first year, 30 cents for the second year, 35 cents for the third year, and 40 cents for the fourth year and each year thereafter. It fixes a maximum workday of 8 hours and a maximum workweek of 44 hours for the first year, 42 hours for the second year, and 40 hours for the third year and each year thereafter. The wage and hour requirements are directed to all employers engaged in interstate commerce and "in an industry affecting commerce."

This provision of the bill is not self-executing, but requires the Secretary of Labor to hold public hearings for the purpose of determining which industries affect commerce.

Section 6 contains standards which are to guide the action of the Secretary of Labor in reaching his decision. Employers aggrieved by the order of the Secretary are given an opportunity of having the order reviewed by the circuit courts of appeal.

An order of the Secretary finding an industry "affecting commerce" is to take effect not more than 120 days after it is issued. After its issuance it may be modified or revoked whenever the Secretary finds that the facts so require.

For the purpose of any hearing the Secretary has the right to compel attendance of witnesses and the production of books, papers, etc.

Minimum wage and maximum hour standards are fixed by the Labor Standards Board after notice and hearing, based on certain enumerated factors, such as cost of living, relative cost of transportation, local economic conditions, etc. But the Board has no authority to fix a minimum wage in excess of 40 cents an hour or a maximum workweek of less than 40 hours, nor may any order with respect to wages and hours be issued until the Board has appointed an advisory committee to investigate and report upon the value of services rendered by the employees in the particular occupation or the number of hours of employment reasonably suitable to the nature of the work therein. Advisory committees are composed of an equal number of persons representing employers and employees in such occupation and disinterested persons representing the public. Court review is provided persons aggrieved by orders of the Board in the circuit courts of appeal.

The Board's orders may be modified from time to time when the facts warrant it after notice and public hearing, etc.

## HOUSE—continued

*Exemptions*

(Contained in sec. 11.) Employees may be worked for more than the maximum number of hours fixed for a workweek or workday without incurring a criminal penalty upon the payment of time and one-half for overtime.

Groups exempted from all wage-and-hour provisions are substantially the same as in Senate bill. House committee amendment, however, makes no provision for exemption of overtime employment in periods of seasonal or peak activity.

*Prohibitions*

(1) Prohibits employment of employees engaged in interstate commerce or "in any industry affecting commerce" at wages less than the minimum fixed in the bill or for hours in excess of the maximum fixed in bill for workday and workweek;

(2) Prohibits transportation and sale in interstate commerce of goods produced by employees employed in violation of wage and hour provisions.

*Investigations, inspections, records*

The Secretary of Labor is authorized to gather data regarding wages and hours, conditions of employment, and inspect places and records to determine the existence of violations.

State agencies may be used for inspections, etc., with their consent.

Employers subject to the act are required to keep and preserve records of persons employed and wages and hours maintained by him.

*Child-labor provisions*

Reenacts Federal child-labor law declared unconstitutional in the case of *Hammer v. Dagenhart*. Producers, manufacturers, and dealers are prohibited from shipping in interstate commerce goods produced with "oppressive child labor," which term is defined to include the employment of any employee under the age of 16 years in any occupation or any employee between the ages of 16 and 18 years in an occupation which has been declared by the Children's Bureau as particularly hazardous for children or detrimental to their health.

Administration of the child-labor provisions is lodged with the Chief of the Children's Bureau of the Department of Labor.

*Learners, apprentices, handicapped workers*

The Secretary of Labor directed to provide for the employment of such persons under special certificates at wages lower than the minimum wage applicable to normal and seasoned employees.

*Enforcement*

Injunction proceedings authorized to restrain violations. Criminal penalties for violation of act or regulations.

## RELIEF APPROPRIATIONS—ADDRESS BY SENATOR ADAMS

[Mr. McKellar asked and obtained leave to have printed in the RECORD a radio address delivered today by Senator Adams on the subject of pending legislation providing appropriations for relief purposes, which appears in the Appendix.]

## SENATE—continued

Contained in definition of word "employee" and also in section 6.

(1) Makes it unlawful to transport in interstate commerce unfair goods; that is, goods produced at oppressive wages and hours, etc.

(2) Prohibits employment of employees engaged in interstate commerce or in the production of goods intended for transportation in violation of clause 1.

Comparable powers relating to investigations, inspections, etc., given to the Labor Standards Board.

Adopted technique of prison-made-goods law to goods produced by child labor.

Has comparable provisions.

Substantially the same.

## NATURE OF THE AMENDING PROCESS—ARTICLE BY HON. HOMER CUMMINGS

[Mr. McAdoo asked and obtained leave to have printed in the RECORD an article by Hon. Homer Cummings, Attorney General of the United States, entitled "Nature of the Amending Process," published in the George Washington Law Review for March 1933, which appears in the Appendix.]

## ADOPTION OF STATE CONSTITUTION OF NORTH DAKOTA

[Mr. Frazier asked and obtained leave to have printed in the RECORD an address on the subject of the adoption of the State Constitution of North Dakota, delivered by Charles D. Hamel, at Valley Forge, Pa., October 17, 1937, which appears in the Appendix.]

## COAL—ARTICLE BY JESSE V. SULLIVAN AND J. HENRY KREPPS

[Mr. Holt asked and obtained leave to have printed in the RECORD an article on Coal, written by Jesse V. Sullivan and J. Henry Krepps, of the West Virginia Coal Association, which appears in the Appendix.]

## SCANDINAVIAN CIVILIZATION—ARTICLE BY CARROLL KILPATRICK

[Mr. Hill asked and obtained leave to have printed in the RECORD an article entitled "Scandinavian Civilization," written by Carroll Kilpatrick and published in the Montgomery Advertiser, of Montgomery, Ala., May 15, 1938, which appears in the Appendix.]

## INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT

Mr. BYRNES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate Nos. 24 and 37 to the bill (H. R. 8837) making appropriations for the executive office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1939, and for other purposes, 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 amendments numbered 24 and 37.

JAMES F. BYRNES,  
RICHARD B. RUSSELL, Jr.,  
FREDERICK HALE,  
*Managers on the part of the Senate.*  
C. A. WOODRUM,  
GEO. W. JOHNSON,  
JOHN M. HOUSTON,  
R. B. WIGGLESWORTH,  
EVERETT M. DIRKSEN,  
*Managers on the part of the House.*

The report was agreed to.

## ISSUANCE OF TREASURY BONDS AND NOTES

The Senate resumed the consideration of the bill (H. R. 10535) to amend the Second Liberty Bond Act, as amended.

Mr. HARRISON. Mr. President, the bill that is now pending before the Senate, H. R. 10535, proposes to amend the Second Liberty Bond Act. The bill has passed the House, and an identical Senate bill has been reported unanimously by the Finance Committee.

The bill seeks to do this and nothing more: Under the present law the Treasury Department has authority to issue \$45,000,000,000 of bonds, notes, and bills. That is the limitation. Of the total amount, there is provided under existing law a limitation of \$25,000,000,000 on long-term securities and a limitation of \$20,000,000,000 on short-term securities. The Treasury Department has requested that the partition be removed so that, for orderly financing purposes, if the Department desires to exceed \$25,000,000,000 in long-term paper and to issue less than \$20,000,000,000 of short-term paper, it may do so. But the limitation of a total of \$45,000,000,000 on the issuance of securities, of course, is not amended or changed and will continue to apply.

I may say that of long-term paper or bonds there is now outstanding \$23,301,966,056.

Under the present limitation the Department may issue a total additional amount of bonds of \$1,698,033,944. Of the short-term paper, or notes and bills, there is now outstanding \$13,830,009,050, and the Department has the authority

to issue a total additional amount of \$6,169,990,950 under the present limitation. The Treasury Department believes that during the remainder of this year it can perhaps issue some long-term paper at a greater advantage to the Government, and the Secretary of the Treasury has recommended that this limitation be stricken out.

As expressed by the Senator from Michigan [Mr. BROWN], and perhaps by the Senator from Idaho [Mr. BORAH], there was some thought that a limitation might still be placed upon the issuance of long-term paper; so I took up the matter with the Treasury Department, and they have no objection to an amendment to be proposed by the Senator from Michigan which will provide that in no event shall the issuance of long-term paper exceed the amount of \$30,000,000,000, not disturbing in any way the \$45,000,000,000 limitation which the law now imposes upon the Treasury Department.

When the amendment is offered by the Senator from Michigan, I hope it may be agreed to.

Mr. BROWN of Michigan. Mr. President, I offer the amendment, which I send to the desk.

The VICE PRESIDENT. The amendment offered by the Senator from Michigan will be stated.

The LEGISLATIVE CLERK. At the end of the bill, it is proposed to add the following proviso:

*Provided*, That the face amount of bonds issued under the authority of this act shall not exceed in the aggregate \$30,000,000,000 outstanding at any one time.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Michigan.

Mr. BORAH. Mr. President, I wish the Senator from Michigan would explain the effect of his amendment. I do not fully understand just what the amendment is designed to accomplish.

Mr. BROWN of Michigan. Mr. President, the present situation in regard to the financing of the Government is as follows:

Approximately twenty-three and one-half billion dollars is in the form of bonds, which are obligations of 5 years and longer. The balance, up to approximately thirty-seven and one-half billion dollars, is in the form of bills and notes. In the terminology of the Treasury Department, a bill is an obligation of from 90 to 271 days, less than a year. A Treasury note does not exceed 5 years, and most of them are for a shorter period of time. The evil in respect to tax exemptions, as I see it, is in the issue of a large amount of additional long-term bonds, not short-term securities, at a time when we are attempting to meet the situation to which the President has called attention in his recent message on the subject of tax-exempt bonds. If we now authorize the issue of a large amount of tax-exempt bonds, we may bring about a condition which we cannot cure for a long time. Such bonds may be issued for, I think, as long a time as 20 years. The purpose of my amendment is to prevent the issue of a large amount of bonds, as distinguished from bills and notes.

The Treasury point out that it is desirable that they should refinance some notes and bills which will come due during this year, and by refinancing them in the form of bonds, or at least by having a choice, they can perhaps do a little better than they could by the issue of bills and notes. They cannot do so under the present limitation of \$25,000,000,000. I think, under their present plans, they would exceed that limitation by about a billion and a half dollars. The purpose of my amendment is to permit them to do that up to the amount of \$30,000,000,000, and not to permit the issue of bonds, as distinguished from notes and bills, above \$30,000,000,000.

While I am on my feet, I desire to say that with the chairman of the Finance Committee I have prepared a concurrent resolution for the creation of a joint committee, to consist of three members of the Committee on Finance of the Senate, three members of the Senate Judiciary Committee, three members of the Ways and Means Committee of the House, and three members of the House Judiciary Committee, to consider the question of prohibiting the further issue of tax-

exempt bonds by the Federal Government, the question of what we can do about the issue of tax-exempt bonds by State and municipal governments, and the question of the taxation of State salaries by the Federal Government and the taxation of Federal salaries by the State governments.

Mr. BORAH. Mr. President—

Mr. BROWN of Michigan. I yield.

Mr. BORAH. Assuming that the amendment offered by the Senator from Michigan will be adopted—and I suppose it will be—what is the amount of tax-exempt bonds which may be issued under the amendment offered by the Senator from Michigan?

Mr. BROWN of Michigan. Of course the Senator knows that all Government bonds, as well as bills and notes, are tax exempt to some extent at the present time.

Mr. BORAH. Yes; I know that.

Mr. BROWN of Michigan. The increased amount of bonds that may be issued is \$5,000,000,000. Practically, there will probably be not in excess of a billion to a billion and a half dollars of bonds issued between now and next January; but I wish to make certain that no more than \$5,000,000,000 of tax-exempt bonds will be so issued.

Mr. BORAH. The object of the Senator's amendment is to limit the amount of tax-exempt bonds which may be issued?

Mr. BROWN of Michigan. That is correct.

Mr. BORAH. And the Senator is of the opinion that that amount may be limited to \$1,500,000,000?

Mr. BROWN of Michigan. Yes, Mr. President.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. BROWN].

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.

The VICE PRESIDENT. Without objection, Senate bill 3972 will be indefinitely postponed.

#### LOANS TO RAILROADS BY RECONSTRUCTION FINANCE CORPORATION—RECOMMITTAL

Mr. WAGNER. Mr. President, on May 5 the Committee on Banking and Currency instructed me to report favorably for the calendar a bill relating to the power of the Reconstruction Finance Corporation to make loans to railroads. At the time the committee considered and reported the bill it had no notice of objections to certain provisions of the bill, nor was there then any discussion of a threatened reduction of the wages of railway employees. Since then the committee has had two hearings, and it is very clear that if the bill is to be reported again the committee will make some amendments to it.

In the interest of orderly procedure, I feel that the bill now upon the calendar should be recommitted to the committee, so that when it concludes its consideration it may report the bill, if it decides to do so, in amended form.

Therefore, I ask unanimous consent that Senate bill 3948, being Calendar No. 1804, be recommitted to the Committee on Banking and Currency.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York? The Chair hears none, and the bill will be recommitted to the Committee on Banking and Currency.

#### SEMINOLE NATION OR TRIBE OF INDIANS

Mr. WHEELER. Mr. President, yesterday I objected to the consideration of Senate bill 2495, Calendar No. 1861, introduced by the Senator from Oklahoma [Mr. THOMAS], and reported by the Committee on Indian Affairs. It is a bill authorizing the District Court of the United States for the Eastern District of Oklahoma to hear and determine certain claims of the Seminole Nation or Tribe of Indians.

Yesterday I was of the opinion that the matter should go to the Court of Claims, but upon an examination of the bill I find that it is a question involving the title to certain lands and really should go to the United States District Court for

Oklahoma. I therefore ask, because of the fact that I objected to the bill yesterday, that it be considered at this time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana for the present consideration of Senate bill 2495?

Mr. KING. Mr. President, I desire to know whether the Interior Department has approved the bill.

Mr. WHEELER. It is my understanding that it has approved it.

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

Mr. McNARY. Mr. President, I desire to ask the Senator if, on the call of the calendar yesterday, objection was made to the consideration of the bill.

Mr. WHEELER. I was the one who objected to it, and I desire to correct the matter by having the bill considered at this time.

Mr. McNARY. Very well.

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

There being no objection, the Senate proceeded to consider the bill (S. 2495) authorizing the District Court of the United States for the Eastern District of Oklahoma to hear and determine certain claims of the Seminole Nation or Tribe of Indians, which had been reported from the Committee on Indian Affairs with amendments.

The amendments were, in section 1, line 7, after the word "Indians", to strike out "or on their behalf, or by any committee selected by the Seminole Indian Protective Association to represent such Indians", and at the end of section 2 to insert two new sections, so as to make the bill read:

*Be it enacted, etc.,* That jurisdiction is hereby conferred upon the District Court of the United States for the Eastern District of Oklahoma, notwithstanding the lapse of time or statutes of limitation, to hear and determine any suits heretofore or hereafter instituted by the Seminole Nation or Tribe of Indians, with respect to the title to the following-described lands in Seminole County, Okla., or any clouds thereon, to wit: The south half northeast quarter and the southeast quarter section 7; the south 15.78 acres of lot 3, and lots 6 and 7, section 8, all in township 7 north, range 8 east, Indian meridian, containing 320 acres, more or less.

Sec. 2. The District Court of the United States for the Eastern District of Oklahoma shall have full authority, by proper orders and process, to bring in and make a party to the proceedings any person deemed by it necessary or proper to the final determination of the matter in controversy. The judgment or decree of such court shall be subject to review in accordance with the law governing like cases.

Sec. 3. In any such suit the Seminole Nation or Tribe of Indians shall be represented by counsel employed for the purpose under a contract approved in accordance with section 2103 of the Revised Statutes of the United States; and said contract shall be executed in behalf of the Seminole Nation or Tribe by a committee chosen for the purpose by a general council of the Seminole Indians under the direction of the Commissioner of Indian Affairs and the Secretary of the Interior: *Provided*, That in the event that prior to the execution of the contract the Seminole Nation or Tribe becomes incorporated under the act of June 26, 1936 (49 Stat. 1967), then the employment of counsel and the execution of the contract shall be governed by the provisions of the approved charter of the incorporated tribe.

Sec. 4. In the event any recovery shall be obtained by or for the Seminole Nation or Tribe in any suit instituted under this act, the court shall decree such amount or amounts as it may find reasonable to be paid out of said recovery to the attorney or attorneys so employed as compensation for their services; such compensation, however, not to be in excess of the amount stipulated in the contract of employment, or in excess of 10 percent of the amount of the recovery. The court shall also reimburse the attorney or attorneys out of any recovery for actual and necessary expenses incurred by them in the prosecution of the suit.

The amendments were agreed to.

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

MISCONCEPTIONS AS TO RELATIONS OF UNITED STATES IN THE MATTER OF HELIUM TO GERMANY AND TRADE TREATY

Mr. LEWIS. Mr. President, there are reasons for my imposing on the Senate for a few moments upon a subject not relating to the bonding bill presented by the Senator from Mississippi.

The Government of Germany affects to have a grievance against the United States at this particular time which I am compelled to feel is the result of misinformation to a very

large degree. I refer particularly to the request of Germany that she be permitted to purchase helium, and at this point I beg to allude to the preparation of the minority report of the Committee on Military Affairs as to helium. While the report carries ostensibly my name as an author, I must say that the Senator from Massachusetts [Mr. LODGE], who wrote the minority report, is entitled to whatever credit may come to or be due from the expressions in or the manner of the preparation of the minority report.

Mr. President, it is assumed that we have opposed Germany enjoying the privilege sought by its representative here of late, for some reasons of opposition to the nation of Germany. I wish to have it understood that under no circumstances has the matter of opposition to the Government of Germany or to the German nation ever entered into the question of the disposition of the helium question before the Military Committee or as to any of its features.

There would be no objection to Germany having helium for commercial purposes, neither from Administrator Ickes nor from any committee of authority, if that were the only question at issue. Nor is it assumed, as is charged in certain high sources which reach us this morning, that we intimate that there may be conflict by Germany against the United States at some near time. We desire to have it known that it is not Germany so much that we feel would produce conflict upon this Government: it is that we could not lend ourselves to allowing helium, which is necessary as an instrument of assault as well as one of defense, to pass into the control of any nation where it could be turned against the United States. While that nation to whom it is transferred may not intend such use of it, we are conscious that it is an ally of a nation just now at war which, under circumstances of conflict, might lead to the point where we would find ourselves an antagonist.

Therefore, for that reason, and because Germany is an ally of Japan in the military affairs which are now occupying Japan, and for the reason that both Italy and Germany are allied with Japan, the prospects of possible difficulties make it impossible that the United States could allow the instrumentalities of her own defense to be put into the possession of those who through alliance of nations at some time might become her assailant.

There is another question which is wholly overlooked, however. The United States enacted a neutrality law, one, which I assert should in its terms have never been passed, and which I assert here at this point should very quickly, as it is now written, be wholly repealed and the subject be left to the regulations and direction of the President as commander of the forces of the United States. Yet, sir, having enacted the law, we could not therefore tender to any one nation instrumentalities of warfare which could by its relation be sent over to some other nation engaged in war to which we are professing to be a neutral people, and a neutral nation to all now engaged in conflict or likely to be by virtue of a pending conflict existing.

This brings me, therefore, to an impressive phase; one very serious, as I see it, one I submit to the honorable Senate that is a matter for our serious thought and consideration.

There are those who are charging openly, in behalf of the claims of a nation friendly to us, Germany, that before this matter of helium was disposed of by us there was a money contract between the owners of the ship *Zeppelin* and the United States; that such money contract had been made with our Government or its representatives and that the money was passed to the amount necessary as a just and proper consideration for such quantity of helium as was then contemplated by what is assumed to have been a contract.

I wish to have the Senate understand, and I beseech my colleagues to hear from me, as a matter of fact, that never before the committee having jurisdiction of this matter was such suggestion made or such information conveyed. Nor was there an intimation from any source that there had been deals with the Interior Department or with any officer of the Government of the United States which partook of the nature of a commercial closed contract between ourselves and

either Germany or those representing interests as the owners of the ship called the *Zeppelin*.

It is intimated that the owners of this ship—that is, the company which controls it—had made such an arrangement with someone somewhere alleged to be connected with authority in this Government. If such contract exists, it would be a sad plight for the United States if she really had taken a company's money with a specific understanding that she was to return to that company consideration in goods and then afterward had denied the goods, yet kept the money. If Germany entertains such an opinion, if any official in Germany is of such judgment, if any citizen of the nation of Germany, if anyone of German birth who is now an American should be of such conclusion, it would be a reflection upon our Government, and one which all of us would prefer to refute by disclosing that it has no foundation in fact. If it has a foundation in fact anywhere, it would be due to some misdirection. It is a thing of which no Member of the Senate at this time is aware.

I call attention to the facts in order that the situation might not be further misunderstood. Having been on the committee investigating the subject, and being authorized by my eminent colleague supporting the minority, the Senator from Massachusetts [Mr. LODGE], to present the question as it stands in truth, I wish to have the Senate know that no such fact was ever developed or was ever charged by legislators during the investigation of the question of the transfer of helium.

The able Senator from Utah [Mr. THOMAS] and the equally distinguished Senator from Kentucky [Mr. LOGAN], who participated in the investigation of the subject, both interested in the subject of helium, I am sure will bear me out, in order that we may have it known through confirmatory evidence before the world that no such circumstance of purchase contract was ever brought to us, if it ever existed.

One other point, and then I must refrain from further encroachment upon the Senate. It appears that Germany intimates that the trade treaties which the United States is constantly passing between itself and other nations, some of those known as favored nations, have not been extended to her. It is assumed that in this we are displaying partiality to the one and prejudice to the other.

Whatever may be the reason for the failure of the treaty under our former Ambassador, Dr. Dodd, or the fact that it has not been consummated under the present Ambassador, Mr. Wilson, the fact remains that the considerations which move to where there has been no success are in no wise due to any personal opposition to Germany as a government, nor opposition in any wise to any of the officials of that great country. There are reasons, commercial in character, necessary to be considered, which have not as yet been sufficiently developed in the investigation to justify a final determination.

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

Mr. LEWIS. I yield.

Mr. WHEELER. I think possibly I misunderstood the Senator. If I did not misunderstand him, I am rather shocked at his statement. I understood him to say that the reason why we did not sell helium to Germany was that the sale would be to a country which was allied with Japan and because of the danger of a possible conflict between this country and Japan. I do not think the Senator intended to convey the impression to the country that there was a possible chance of a conflict at this time between the United States and Japan or between the United States and any other country.

Mr. LEWIS. I wish to say to my able friend that he must have misunderstood me. I was explaining the reasons for the minority report at the time it was written, and the circumstances which surrounded it, which seemed to justify a fear, and because of those relations it was not felt wise, nor was it felt neutral, to grant helium to one of the parties who was an ally of Japan at a time when we felt the conditions were such that they might have led to conflict. Those matters, I trust, have been passed, and I trust, as my able friend

from Montana would intimate, that they have passed conclusively.

I conclude by saying that as to the commercial treaty, so soon as matters can be adjusted, I am sure this Government expects in a perfectly impartial manner to extend to Germany any favors or courtesies which it would extend to any other nation which stands in a position to demand just deserts to herself.

Having made the statement to the Senate in connection with the particular feature which I esteem very important, the matter of the helium; having discussed the question of the commercial contract for money; and having stated to the Senate the situation so far as our committee is concerned, and as it relates to the minority report which I participated in writing, I desire to say that the position of this Government remains today as it must remain forever, I trust, and has ever existed in the past, with friendship to all, with enmity to none.

I thank the Senate.

EXEMPTION OF INTERSTATE HIGHWAY BRIDGES FROM LOCAL TAXATION

Mr. BARKLEY. Mr. President, I move that the Senate proceed to the consideration of Senate bill 252.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 252) to exempt publicly owned interstate highway bridges from local taxation, which was read, as follows:

*Be it enacted, etc.*, That each interstate highway bridge and approaches thereto which has heretofore been constructed or acquired, or which shall hereafter be constructed or acquired by any State, or by any commission, board, or agency of a State, or by any county, city, town, or other political subdivision or public corporation, or by any commission, board, or agency thereof, or by any commission, board, or authority created by the Congress or by a compact entered into between two States with the consent of the Congress, each thereof being herein sometimes termed a "public authority," and which has been or shall be constructed pursuant to an act of the Congress consenting to or authorizing such construction, is hereby declared to be a Federal instrumentality for facilitating interstate commerce, improving the Postal Service, and providing for military purposes, and shall be exempt from all State, municipal, and local taxation so long as such bridge shall be owned and operated by such public authority, either as a free bridge or as a toll bridge: *Provided, however*, That if such bridge shall be operated as a toll bridge, it shall not be exempt from such taxation unless all tolls received from the operation thereof, less the actual cost of operation and maintenance, are applied to the repayment to such public authority of the cost of construction or acquisition of such bridge, or to the amortization of such cost, with reasonable interest and financing costs, nor unless after the amount contributed by such public authority, with reasonable interest and financing costs, in the construction or acquisition of such bridge has been repaid from the tolls, or after a sinking fund sufficient for the amortization of such cost shall have been provided, such bridge shall thereafter be maintained and operated free of tolls.

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

Mr. BARKLEY. Mr. President, the bill which on my motion has been made the unfinished business is the bill to which the Senator from Indiana [Mr. MINTON] yesterday objected on the call of the calendar. The bill seeks to exempt from taxation by a State or other subdivisions all publicly owned bridges across navigable streams that are boundaries between the two States. It provides:

That each interstate highway bridge and approaches thereto which has heretofore been constructed or acquired, or which shall hereafter be constructed or acquired by any State, or by any commission, board, or agency of a State, or by any county, city, town, or other political subdivision or public corporation, or by any commission, board, or agency thereof, or by any commission, board, or authority created by the Congress or by a compact entered into between two States with the consent of the Congress—

And so forth, shall be exempt from taxation.

The bill provides further on that when any such bridge is constructed and tolls are levied for the use of the bridge, the exemption shall not be effective, unless the tolls are applied to the retirement of the bonds issued for the construction of the bridge.

The bill is general and would exempt from taxation every interstate bridge built by a State or a county or a city. In the State of Kentucky, because of the peculiar history of the State, the Ohio River is altogether under the jurisdiction of

Kentucky. Kentucky being the first State that was carved out of the wilderness west of the Allegheny Mountains, it was natural in making the surveys and fixing the boundaries that the mean low water mark on the opposite side of the river was regarded and fixed as the boundary, so that the jurisdiction of Kentucky over the Ohio River along its entire northern boundary extends to the other side of the river. The same thing is true of the Mississippi River on the west.

Under an act passed by the Legislature of Kentucky, the State Highway Commission is authorized to build bridges or to acquire bridges not only over the streams within the State but over the streams which divide Kentucky from other States. Of course, the Ohio River, as Members of the Senate well know, separates Kentucky from Ohio, Indiana, and Illinois. The State of Kentucky has built or acquired a number of bridges across the Ohio River at the exclusive expense of the State of Kentucky. No other State has contributed anything to the building of these bridges.

The particular instance concerning which we indulged in a discussion yesterday involves a bridge at the city of Louisville across the Ohio River. The city of Louisville, under an act of the legislature authorizing it, undertook to construct an interstate bridge, on an interstate highway, a national highway, over the Ohio River connecting Kentucky and the city of Louisville with the northern bank of the Ohio River in Indiana. Bonds were issued under the authority of the law, and a toll is being levied for the purpose of retiring those bonds. As soon as the bonds are retired from the revenue derived from the bridge, the bridge will become a free bridge, free of toll or any other restrictions to the people not only of Kentucky and Indiana but of the whole United States, who may seek to travel over the bridge in their journeys north and south.

It seems to me there can be no reason why any State should want to levy a tax on such a bridge, even if it had contributed to the construction of the bridge. If it were a joint project between the two States, I cannot see why either State should want to levy a tax upon the bridge. The longer it takes to pay off the bonds which were issued for the construction of the bridge the longer tolls will have to be levied under the law.

There are a number of such bridges in Kentucky, and between Kentucky and the States to the north of Kentucky, which were built under an act of the legislature authorizing the issue of bridge bonds, and authorizing the levy of tolls, which are collected by the State, and the funds applied to the retirement of the bonds. If one bridge at Louisville can be taxed, all the bridges that connect Kentucky with Indiana, Illinois, and Ohio, or any other State can be taxed. A State which has foresight and courage and determination may build an interstate bridge at its own expense, and then another State which made no contribution to it may levy a tax upon it simply because, in order to have a bridge at all, it is necessary to have it footed on the other side of the river; it must be anchored on the other side, and it must be anchored on land acquired by the bridge authorities in order that the bridge may be built. The language of the bill exempts such a bridge from that sort of taxation. That is all it provides.

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

Mr. BARKLEY. I yield.

Mr. WHITE. The measure before us comes from the Committee on Interstate Commerce. I confess this is the first time I have seen it. I think there could have been no hearings held by the committee with respect to the measure.

Mr. BARKLEY. The bill came before the committee during the last session of the Congress. There were no hearings by the Senate committee during the present session of the Congress. The measure had already been acted upon by it.

Mr. WHITE. A bridge may be built with State money, although it is true with the consent of the Federal Government, over an interstate stream. What troubles me is the basis for the authority of the Federal Government to say that the State which paid for the bridge has no authority to tax the bridge. I do not quite see how it would be any more

justified in saying that than to say that a State could not tax a boat which utilized a navigable stream, and over which the Federal Government has jurisdiction. I do not see how the Federal Government has any more authority to say that a State shall not tax a bridge than it has to say that a State shall not tax a boat which uses the artery of commerce.

Mr. BARKLEY. The difference is that the boat is privately owned. It is not public property. It is not owned by the State.

Mr. WHITE. Is it not for the State to determine whether or not the property is subject to taxation? What is the basis for the authority of the Federal Government to say that a structure built with State money may not be taxed by the State?

Mr. BARKLEY. That question was looked into by the sponsors of this proposed legislation. My colleague [Mr. LOGAN] also made some study of the matter. The conclusion was reached that when the Government makes an appropriation to build a highway leading to and away from a bridge, although not contributing to the building of the bridge, the provision of the bill is analogous to a provision exempting a Federal agency, which the bridge really is in a sense, although the Government of the United States does not put money into the bridge itself.

Mr. WHITE. Is not the situation in this instance different? Is not the authority with respect to the taxation of the land over which the highway runs to be found in the conditions under which the grant is made to the State? Does not a limitation—if that is the proper word—exist? Is not the authority which is asserted with respect to a highway into which Federal funds have gone, to be found in the conditions upon which the grant is made? A condition may perhaps be written into the congressional authority for the erection of a bridge over a navigable stream that the State should not tax it, but unless that condition is written into the legislation, and unless the bridge is built subject to that condition, I confess I do not quite see what authority the Federal Government has to say to the State of Kentucky, or to the State of Indiana, or to any other State, "You shall not tax this property into which your money is being invested." I am not interested in the proposed legislation, but that question arose in my mind.

Mr. BARKLEY. I will say to the Senator from Maine that that question arose in the minds of all those who were interested in this proposed legislation, and it was studied. Of course, one never can tell what the Supreme Court may decide upon any question which has in it any element of doubt, but we were satisfied that Congress had the right to provide against the local taxation of a bridge owned and operated by a public authority as a part of an interstate system of highways.

Mr. WHITE. I think Congress could regulate the use of a bridge which is part of an interstate highway system; but that it quite different, it seems to me, from undertaking to say what the authority of the State shall be with respect to taxation of property to which its funds have contributed, and to what extent such property shall be subject to State or local taxation.

Mr. BARKLEY. The Senator knows that all such bridges over navigable streams must be constructed by authority of the Federal Government.

Mr. WHITE. Yes.

Mr. BARKLEY. A form has been worked out which is usually followed with respect to publicly owned bridges and bridges on which tolls are to be charged. Publicly owned bridges are different from privately owned bridges.

Mr. WHITE. That is quite true; but no such provision as that which is here proposed is contained in those forms.

Mr. BARKLEY. I do not know that anything was said about the question of taxation. In fact, that question had not arisen.

Mr. WHITE. I have no doubt that as a condition to granting the right to erect a bridge over a navigable stream of the United States Congress could incorporate a limit upon the

right of a State or town to tax. However, I do not quite see how such a provision could be made retroactive.

Mr. BARKLEY. No private rights are involved. Of course, Congress might attach a condition in the authority granted to construct the bridge, and it might supplement that authority by a condition with respect to the use of the bridge, because Congress never surrenders the right to modify, amend, or even repeal an act under which a bridge is constructed across a navigable stream.

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

Mr. BARKLEY. I yield.

Mr. MINTON. If a bridge is built between Kentucky and Indiana, it must be built under some compact between the State of Indiana and the State of Kentucky. I believe such a compact has been entered into in every instance in which a bridge has been built across the Ohio River between Indiana and Kentucky. If in that compact Indiana had waived its right to tax the bridge, then of course it would be estopped so to do. But not having done so, the Federal Government may not impose its authority upon the State of Indiana, which has not given up its right to taxation under the compact, and say that the State of Indiana may not tax that which is within its territorial limits.

Indiana has not given up the right to tax. The bridge is not Federal property. The question is one between Indiana and Kentucky; and if the question is not covered by the compact, the right to tax is not surrendered by the State of Indiana.

Mr. BARKLEY. Of course the compact referred to is merely an agreement between Indiana and Kentucky. The bill would not apply merely between Indiana and Kentucky. It would apply between Kentucky and West Virginia in building bridges over the Big Sandy, which divides Kentucky from West Virginia. The compact is merely an agreement on the part of the two States that Kentucky may build the bridge and pay for it, or that the city of Louisville may build the bridge and pay for it. The other State, of course, consents that the bridge may have abutments, which are necessary, on its side of the river.

The control of Congress over navigable streams and obstructions to navigable streams gives us our authority to confer the right to build bridges. If that authority means anything, it means a continuing authority. The mere fact that there is no reference in the original act, or even in the compact between the two States to the power of either State to tax the bridge, which is a public convenience—really public property—does not deprive Congress of the continuing right, provided in all such acts, to repeal, amend, or modify the authority conferred at any time Congress may see fit to do so.

I am not criticizing the State of Indiana. Personally, I am very fond of Indiana. I have many friends in Indiana. The question is not one merely between Indiana and Kentucky; and it ought not to turn upon the jealousies which exist in communities over whether a bridge shall be located at one place or another. It is an anomalous situation that a State or a city may pledge its credit to build a bridge, not only for the convenience of its own people but for the convenience of the people of the other State, and the other State may make no contribution, and take no initiative in building the bridge, and yet seek to levy a tax upon the bridge which is built by the neighboring State, or a city in the neighboring State, for the accommodation of the people of both States in crossing the river.

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

Mr. BARKLEY. I yield to the Senator.

Mr. SMATHERS. The question which bothers me is, Whence does the Congress derive its authority to prohibit the State of Indiana from exercising its right to tax value which has been placed in that State, unless the bridge belongs to the Federal Government? How does our authority arise?

Mr. BARKLEY. The authority is in the authority of the Congress to regulate commerce. It is under that authority that Congress gives its consent to the construction of all such bridges. Congress, in granting the authority, may

make any condition it sees fit to make. Congress undertakes to regulate bridges which provide for tolls, whether they be privately owned or publicly owned. Congress gives the Secretary of War power even to intervene with respect to levying tolls. The mere fact that a bridge is not a Federal bridge, or that the Federal Government did not build it, does not take away from the bridge its interstate character, and does not eliminate the fact that the Federal Government has put money into the roads which lead up to the bridge and away from it. The roads themselves are not the property of the Federal Government.

Certainly the Federal Government may provide that no tolls shall be levied on any highway which it helped to construct. The Federal Government may grant money to cooperate with a State on the condition that no tolls shall be levied. Congress may impose such a condition even in connection with building a bridge in which the Federal Government has not invested a dime of its money.

The bridge referred to was built by a political subdivision of the State, under the authority of Congress which retains the right, at any time during the existence of the bridge, to amend, repeal, or modify the act under the authority of which the bridge was constructed. It seems to me that the retention of that right is the exercise of authority to regulate commerce, because if the bridge is taxed, the tax must be taken out of the tolls levied, which are to be used to pay off the bonds which were issued to build the bridge. The more taxes which are levied upon the bridge, the longer it will be before the bridge will be free. Certainly that is a matter over which Congress has some jurisdiction.

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

Mr. BARKLEY. I yield.

Mr. WHITE. Could not the bridge be taxed as physical property within the town where it is located? The tax does not have to be levied on the basis of tolls collected.

Mr. BARKLEY. If the bridge is taxed, of course it will be taxed upon the basis of valuation.

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

Mr. BARKLEY. I yield.

Mr. MINTON. Under our power to regulate commerce, of course, we do regulate commerce, and attempt to prohibit taxes which would burden interstate commerce. However, it has never been held that agencies engaged in interstate commerce may not be taxed on their property located within the jurisdiction of any State in which such agencies operate.

For example, we tax the property of the railroads which pass through the State of Indiana; but there are certain taxes which the State of Indiana may not place upon railroads. I refer to taxes which would burden interstate commerce.

Mr. BARKLEY. The ownership and the taxation of railroads are matters between the State and the owners of private property.

If we have the power, as I think the Senator will concede, to prevent a State from levying a burdensome tax which would interfere with or be a burden upon interstate commerce, we certainly have the same authority over a public highway with respect to which taxation would be a burden upon interstate commerce.

The tax levied on the bridge is based upon a valuation commensurate with the amount of bonds issued as a result of the vote of the people. To the extent that the tax is levied, it cripples the authority of the city or the State to free the bridge from tolls, and constitutes a burden upon interstate commerce. No one will deny that the collection of tolls over an interstate bridge is a burden upon interstate commerce, and handicaps interstate commerce to that extent. However, most persons are willing to bear that burden in order to enjoy the accommodation which enables them to travel from one State to another.

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

Mr. BARKLEY. I yield.

Mr. BORAH. As I understand, the bridge referred to crosses a stream which separates two States.

Mr. BARKLEY. That is correct.

Mr. BORAH. It is a part of the means by which the people travel from one State to another.

Mr. BARKLEY. That is correct; and it is a part of an interstate highway system to which the Federal Government has made contribution in the construction of the road itself, although it has made no contribution to the bridge which connects the roads in Indiana with those in Kentucky.

The bridge referred to represents a particular instance; but the question might arise at any place in the country where one State, or the community on one side of an interstate river, is willing to undertake the task of building a bridge to which the other State makes no contribution whatever. The other State merely consents that the abutments of the bridge may be placed on property on its side of the river.

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

Mr. BARKLEY. I yield.

Mr. SMATHERS. If a bridge is an instrument of interstate commerce, how may either State tax it?

Mr. BARKLEY. Of course, if the bridge were private property, it might be taxed. I do not think any right exists in either State to tax a publicly owned instrument of interstate commerce, but the attempt has been made to tax it, regardless of whether or not any right exists to do so.

Mr. President, I have nothing further to say about this measure. I hope it will be passed.

Mr. LOGAN. Mr. President, I have only a very few words to say on this particular matter.

I can well sympathize with those who have some question as to the power of Congress to pass the bill, but, after a rather thorough consideration of the matter, I have reached the conclusion that it is within the power of Congress to provide such exemption from taxation.

In the first place, the bridge never could have been erected without the authority of Congress. Congress granted that authority because the erection of the bridge promoted three things—interstate commerce, the national defense, and the Postal Service.

The bill applies to no bridges which are owned by private individuals or by private corporations and which are operated for profit. The discussion has related to the State of Indiana and the State of Kentucky. The bill applies as well to every other State in the United States. The State of Indiana has no interest in the bridge, but only in the abutment of the bridge on the Indiana side of the river.

Of course, Kentucky could not, if it desired, and neither could any arm of the Government, tax one of these bridges because they are, in effect, the instrumentalities of the State; they are a part of the government of the State. I think we ought to bear that well in mind. I will not undertake to state it as a fact, but I doubt whether one State of the Union can tax the property of another State of the Union.

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

Mr. LOGAN. I yield.

Mr. BORAH. May I ask the Senator if it is his view that the State of Indiana, for instance, could not tax this bridge?

Mr. LOGAN. I do not think it could. I will give the reason for my opinion, and I think if the junior Senator from Indiana will listen to me for just a moment he will withdraw the objection to the passage of this bill. This bridge was built by the authority of Congress, first, and by the authority of the State legislature, second. The State Legislature of Kentucky authorizes—and this applies to most of the bridges—the State highway commission to construct bridges under what may be known as the self-liquidating plan; that is, the State highway commission, under the authority of the State of Kentucky, may issue bonds and sell them to the public in order to raise the money with which to construct one of these bridges. The security of the bondholder is the income in the way of tolls from these bridges. After the bonds have been retired the bridge belongs to the public. No one is out anything; the bondholders have their money, and the public has a free bridge.

Now let us pursue that just a little further. Indiana has no interest, we will say, in the Louisville bridge except that the north end of the bridge rests on the soil of Indiana.

Indiana had already dedicated or conveyed to the public the road of which this particular bridge is a link. That road had already been given to the public, and not only to the public so far as Indiana is concerned, but to all the public that may travel over the highway in interstate commerce or for military purposes or for the purposes of the Postal Service. Indiana had already given that. Now Kentucky says, "We are going to build a bridge, but since Indiana has so little interest in it we will not ask Indiana to share with us"—I believe Indiana did share in the case of one of the bridges at Evansville, as I recall—"we will build this bridge by authority of the State legislature pursuant to the authority vested in it by the Congress." When tolls are imposed everyone pays the toll until the bonds are retired, which occurs sometimes in 5 years and sometimes in less time than that. I have known a bridge to pay within 18 months the entire purchase price.

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

Mr. LOGAN. Yes.

Mr. BARKLEY. That is the plan adopted by the State legislature, which has enabled the State to build and purchase many bridges over streams that could never have been built under any other plan, because the State did not have the money with which to build them and pay the cash, and the local communities could not do it. So there was worked out this plan, by which the people would be enabled to have the benefit of these bridges and use them as parts of the highways, State and Federal, for travel and for the use of commerce and the mails and all other purposes.

Mr. LOGAN. That is true, and the State has invested millions of dollars in bridges under this plan.

Mr. CLARK. Mr. President, may I interrupt the Senator there?

Mr. LOGAN. I yield.

Mr. CLARK. Exactly the same principle would apply in many cases where toll bridges have been constructed by private enterprise and it was desired to take them over, to be dedicated to the public as soon as the income bonds could be paid off.

Mr. LOGAN. I think the same principle would apply in such a case.

While I do not like to boast of them, I might say that several things I have done I am very proud of. I happened to be a member of the court in Kentucky when the question arose as to whether bonds could be issued and their retirement secured through pledging the income from the particular structure which might be erected. I think I wrote the first opinion that was ever written upholding that doctrine, and out of that grew this whole plan of building bridges.

What I started to say, and what I want to complete, is that Indiana has no interest in this particular bridge. If it should be conceded that Indiana can tax Kentucky—which I do not concede—I wish to point out how unfair it would be to impose such a tax, when the citizens of Kentucky have built the bridge in the way I have pointed out for the purpose of absolutely giving the use of it free to the State of Indiana and all other States, and when in a very few years, perhaps within the next 2 or 3 years, Indiana will have the same interest in this bridge that Kentucky has, because it will be free to every citizen who desires to travel across it.

Because of that, it is my contention that no State has the right to tax the instrumentality of another State used exclusively for the public good, not only for the public good of the citizens of the two States but for the public good of the Nation.

I further contend that the United States Government may authorize the construction of post roads and military roads and that the Congress has the power to provide as a condition precedent that such instrumentalities shall not be subject to local taxation; and, if it can do that, I undertake to say that it has the right after the grant has been made to go back and amend the grant to the extent of providing that there shall be no local taxation.

I think the measure is eminently fair. I have not the slightest doubt that the bill ought to pass, and I have not the least doubt that it is entirely valid.

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

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

Mr. BORAH. I may say that it is not clear to me that a State can tax this bridge.

Mr. LOGAN. I do not think it can, either.

Mr. BORAH. That is where my doubt arises; but if a State can tax it, and has the right to tax it as a sovereign, I do not believe Congress can take away that right.

Mr. LOGAN. I believe the Senator will concede that the bridge must be constructed in the first place under the authority of the Federal Government for Federal uses. My contention is that when the Congress granted the power to the State highway commission to erect the bridge it could have written into that grant of authority that the bridge when constructed shall be supported by tolls and freed of debt by tolls and shall be free from local taxation. I believe Congress has that power.

Of course, I agree with the Senator that Indiana cannot tax this bridge; neither can Kentucky nor any political subdivision tax it, but, since the question has been raised, I think it would be well to put it to rest forever by Congress saying, as a part of the grant which it has made, that no local authority may tax the bridge.

Mr. MINTON. Mr. President, the State of Indiana is interested in this particular bill because there are a number of bridges across the Ohio River from Kentucky into Indiana. These bridges have been built largely under authority granted by the State of Kentucky and the State of Indiana, the authorities of the two States acting in conjunction. It is not an accurate statement to say that these bridges were built with the credit of Kentucky. In no instance between my State and the State of Kentucky has any bridge ever been built solely on the credit of Kentucky. In many instances an authority was set up by the State of Kentucky to build a bridge, but the credit of the State of Kentucky was not pledged to the extent of a nickel's worth. The only thing done under that authority granted by the State of Kentucky was to build the bridge and provide for its payment out of the revenue.

The bonds were sold, and the bonds were a charge upon the revenue, and a charge upon the revenue solely, and not a charge upon the taxpayers of Kentucky at all. The taxpayers of Kentucky have never put up a dime to build one of these bridges between the State of Indiana and the State of Kentucky that has not been matched by the State of Indiana. In fact, the bridge at Evansville, Ind., as the junior Senator from Kentucky has stated, was partly paid for by the State of Indiana, which put into it several million dollars. But when that bridge was completed and paid for and turned over to the public for travel, free of tolls, it belonged to Kentucky, and Indiana did not have a thing to show for the million dollars it put into the bridge at Evansville.

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

Mr. MINTON. I yield.

Mr. BARKLEY. While it is true that, in the ordinary sense, the credit of Kentucky was not pledged so far as its general revenues were concerned to pay the bonds, it was under the authority of the State of Kentucky that the bridge was built and the tolls levied. The requirement is that from the tolls the bonds shall be retired, but in providing for retiring the bonds from the revenues the State of Kentucky controls the tolls and controls the amount that is charged. That is not only true as to interstate bridges, but it is true as to intrastate bridges built in Kentucky; that while there is no charge on the general revenues of the State for the retirement of the bonds, the State of Kentucky has undertaken the building of bridges; it has provided for the issuance of bonds, and they are to be paid for out of the revenues of the bridges themselves. The Senator will not contend that the credit of Indiana has been involved in any way in the construction of these bridges, will he?

Mr. MINTON. Not at all.

Mr. BARKLEY. The State has purchased one or two bridges that were built by private authorities. For instance, the State of Kentucky purchased a bridge extending from Madison, Ind., to Milton, Ky., and, I believe, paid for it entirely out of its road funds. I think it paid \$800,000 for the bridge, which had been previously constructed by private authority. Now it is all owned by the State of Kentucky. There are no bonds outstanding against it. The bridge has been paid for in cash. If the State of Indiana can tax bridges at all, it would have just as much right to tax that bridge as it has to tax one that is being paid for from the revenues obtained from tolls over the bridges at Louisville or anywhere else.

While we are on that subject, I will say to the Senator from Idaho [Mr. BORAH] that I have always contended that neither the State of Indiana nor any other State has a right to tax one of these agencies of the State of Kentucky. This bill would not be here if it were not for the fact that the State of Indiana has attempted to levy a tax upon this bridge.

Mr. BORAH. Has the question reached the courts?

Mr. BARKLEY. No; I do not think the bill actually passed and became a law; but a constant threat by the Legislature of Indiana hangs like a pall over the State highway commission and over the local authorities with respect to this bridge and other bridges.

Mr. LOGAN. Mr. President, if the Senator from Indiana will yield, I merely wish to say that I said I was proud of the plan I worked out while I was a judge. The reason why I was proud of it, and am still proud of it, is that we found a way to carry on great public improvements without pledging the credit of a city, or a county, or the State itself; and that is the reason why the plan has worked so successfully. As the Senator from Indiana says, there is nothing pledged except the income from the bridge that we are now talking about. The State pledges no credit. The municipality pledges no credit. The only thing we can say about it is that the State of Kentucky manages it for the benefit of all the people of Kentucky and elsewhere.

Mr. MINTON. The State of Kentucky manages it because the State of Kentucky owns all of the Ohio River. That is just in the cards and cannot be helped. We cannot even fish in the Ohio River unless we obtain a permit from Kentucky. We do not have anything to do with the Ohio River, and that is why Kentucky has to control the building of bridges over it.

Mr. BARKLEY. Kentucky is not responsible for the fact that Indiana got there late so far as the Ohio River is concerned.

Mr. GUFFEY. Mr. President, may I ask the Senator from Indiana a question?

Mr. MINTON. I yield.

Mr. GUFFEY. Was that provision in the law when Indiana was admitted to the Union?

Mr. MINTON. Oh, yes.

Mr. GUFFEY. That was known, then, when Indiana was admitted to the Union, was it?

Mr. MINTON. Yes.

Mr. GUFFEY. Then why does the Senator complain about it today?

Mr. MINTON. I am not complaining; I am explaining. It is not by way of complaint, only by way of explanation.

Those representing Kentucky say, "We built the bridges." They first said, "We put up the credit." Now they have backed away from that assertion. They did not put up a nickel of credit. They did not pledge the credit of Kentucky. The credit they pledged comes as much from the people of Indiana as from the people of Kentucky, because the people of Indiana pay more tolls than the people of Kentucky pay. More people travel from southern Indiana into Kentucky than travel from Kentucky into Indiana, because Louisville, Ky., is the great metropolis of Kentucky, and the great metropolis of southern Indiana, too, if you please.

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

Mr. MINTON. Yes.

Mr. SCHWELLENBACH. Would not the answer to that be to build up New Albany and make it such an attractive place that people would go from Louisville into New Albany?

Mr. MINTON. As I have said before, Louisville is merely a suburb of New Albany. [Laughter.]

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

Mr. MINTON. I yield.

Mr. LOGAN. I desire to make a further statement for the purpose of making the matter clear. The operation of these bridges, keeping them in repair, painting them, the compensation of the collectors of toll, and all those things, are paid by the State of Kentucky; but not out of the tolls, because the tolls are wholly and completely pledged to the retirement of the bonds. So to that extent Kentucky does put up more than Indiana.

Mr. MINTON. That may be true of the bridges internally in Kentucky, but it is not true of the bridges across the Ohio River.

Mr. LOGAN. I think it is.

Mr. MINTON. Certainly it is not true of the one which crosses at Louisville, because the State of Kentucky did not have anything at all to do with that except to authorize the municipality of Louisville to build the bridge.

Mr. LOGAN. That is true; but I am speaking of the other bridges.

Mr. MINTON. All the cost and expense of maintaining that bridge comes out of the revenues which are derived from the bridge, and Kentucky does not put up a nickel for it. Neither Louisville nor Jefferson County put up a nickel for the bridge between Jeffersonville, Ind., and Louisville, Ky.

Mr. BARKLEY. Mr. President, I happen to have information that the bridge was recently painted, for instance. I do not know that that is an important item, but it makes cumulative the evidence that, of course, this is entirely a Kentucky proposition. The bridge was recently painted, and it was painted by the city of Louisville from funds in the treasury of Louisville. The money did not come out of the bonds. The tollkeepers are all paid out of the general funds of the city of Louisville, as I understand. I know that is true of all the bridges over the Ohio River and over all the rivers.

Kentucky has taken the initiative in building bridges over all the streams that separate her from other States, outside of Evansville. I am not saying that by way of criticism at all. We have been willing to do it. We took the initiative. We have been willing to obligate ourselves in this way. Whether or not it is a real obligation on the general fund is not material; but in the instances in which the State has purchased outright bridges already built it would certainly be an obligation on the part of the State, because the money is taken out of the funds of the State road commission.

Personally, I cannot understand why it is that any State holds on or tries to hold on to the right to tax a public instrumentality of another State built as much for the accommodation of one as for the accommodation of the other.

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

Mr. MINTON. I yield to the Senator from Washington.

Mr. SCHWELLENBACH. A few minutes ago the Senator indicated that some legislative action was taken by the State of Indiana at the time these bridges were built.

Mr. MINTON. The Senator is right. Of course we authorized the authorities of Louisville to build a bridge on the Indiana shore.

Mr. SCHWELLENBACH. Was there anything in that legislation to indicate an intention upon the part of the State of Indiana to tax the bridge?

Mr. MINTON. Nothing whatever.

Mr. SCHWELLENBACH. Then, in view of the fact that the bridge was built with money secured by the sale of bonds, and looking at the matter purely from the point of view of fairness to the people who put up the money by the purchase of bonds, does not the Senator feel that it is

improper now to place an additional burden upon the revenues of the bridge, and to that extent reduce the security which the bondholders have, or reduce to that extent the revenue available for the retirement of the bonds?

Mr. MINTON. I do not understand that any of the bondholders are complaining. There is plenty of revenue.

As I was saying a while ago, Kentucky cannot claim any credit because it took the initiative in building these bridges, because, as I said, Kentucky owns the river, and nobody else could take the initiative. Therefore, Kentucky took the initiative. Kentucky deserves no credit for putting up any money, for, as I have pointed out, and as the Senator from Kentucky admits, Kentucky put up no money.

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

Mr. MINTON. Yes.

Mr. BARKLEY. The fact that Kentucky owns the river from a jurisdictional standpoint would not have prevented Indiana from coming here and obtaining from Congress authority to build a bridge over the river at that point, and getting from Kentucky the same sort of an agreement that Kentucky got from Indiana, to let the other end of the bridge lean on her soil.

Mr. MINTON. That would be something like the tail wagging the dog. I am sure Kentucky would not have liked it if Indiana had tried to build a bridge in Kentucky.

Mr. BARKLEY. I am not sure we would not have been willing to have Indiana take the initiative in building all these bridges. They have not done that. That is all I can say.

Mr. MINTON. We took the initiative at Evansville; and we put up, as I remember, more than \$3,000,000 to help build a bridge there, and when the bridge was completed it all belonged to Kentucky.

Mr. BARKLEY. It was very fine of Indiana to do that with respect to that one bridge, after we had built all the other bridges over the Ohio River.

Mr. MINTON. I do not understand that Kentucky ever built any.

Mr. BARKLEY. The bridge is there, anyway, and Indiana did not build it.

Mr. MINTON. Indiana did build it, because Indiana people pay more revenue to it than Kentucky people do.

Mr. BARKLEY. I do not know about that.

Mr. MINTON. As I said a while ago, the city of Louisville is the great metropolis of Kentucky, as it is of southern Indiana. If one wants to get to Louisville, Ky., from southern Indiana, he has to go across one of these bridges. The people of southern Indiana travel largely back and forth to Kentucky, and they pay more of the revenue that retires the bonds and provides for meeting the expenses of the bridges than do the people of Kentucky, because the people of Kentucky have not much interest in going over on the Indiana side except to go to French Lick, or some other such place.

Mr. BARKLEY. If the Senator will yield at that point, I am sure the Senator will not deprecate French Lick as an attractive place for assembling and congregating. Undoubtedly it is, in a certain sense, the center of the world; but if there are more people in Indiana who want to get to Kentucky than there are Kentuckians who want to get to Indiana, the Senator ought not to complain that we have provided the way to accommodate the people of Indiana in getting into Kentucky.

Mr. MINTON. Again I am not complaining. I am just explaining that Kentucky did not put up the money. The people of Kentucky are asserting that they put up the money. I am saying, not by way of complaint but by way of explanation, that we of Indiana are largely putting up the money to pay the tolls to cross these bridges.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. MINTON. I yield to the Senator.

Mr. BORAH. In view of this controversy between two leading Democrats, I suggest that a compromise might be

worked out by the Senator from Pennsylvania [Mr. GUFFEY], in view of his late experience. [Laughter.]

Mr. MINTON. The junior Senator from Kentucky [Mr. LOGAN] said that Kentucky could not even tax these bridges. I have the greatest respect in the world for the opinion of the junior Senator from Kentucky on a proposition of law; but I am sure that the State of Kentucky, if it wants to do so, can certainly tax its own property, or tax the property of any subdivision of the State that it may want to tax, although as a matter of policy the States hardly ever do that.

Mr. LOGAN. Mr. President, if you will read the Constitution of Kentucky—I do not know about the Constitution of Indiana; I do not even know whether Indiana has a constitution—but I do know that if you will read the Constitution of Kentucky you will find out that the State of Kentucky cannot tax the State's public property.

Mr. MINTON. If the Senator will investigate, he will find that the State of Indiana can. If the State of Indiana wanted to tax one of its instrumentalities, it certainly could do so. Of course, if the Senator from Kentucky says that that cannot be done in Kentucky, I accept his statement.

Mr. BARKLEY. Of course, any State has a right to provide in its constitution that it may tax its own property, which would mean that it could tax itself. That would result in taking money out of one pocket and putting it in another. If a State wants to do that, of course, it can do so; but it ought not to be allowed to take money out of other States' pockets and put it in its own pocket.

Mr. MINTON. I am talking about power; I am not talking about policy. Whether we want to take money out of one pocket and put it in another pocket is a matter of policy. I am talking about power when I refer to the State's ability to do it. That is an entirely different thing from the policy of doing it.

Mr. President, the question has arisen as to whether or not Indiana can tax an instrumentality which is owned by the State of Kentucky, although a part of the instrumentality rests within the territorial jurisdiction of the State of Indiana. I think there can be no question about that, unless the State of Indiana has surrendered the power somewhere to someone.

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

Mr. MINTON. I yield.

Mr. AUSTIN. I observe that the Senator and other Senators have almost uniformly raised the question as to the power of the State. I desire to know whether in their States it is not true that the taxing of the physical properties of bridges, abutments, and other structures of the bridge, is not invariably done by the town in which the property is situated rather than by the State.

Mr. MINTON. Of course, the local authority in the State would make the assessment, and it would be put on the rolls there, then there would be laid against that valuation or assessment whatever tax the State levied, the county levied, the township levied, or the city levied. It would all be collected by the treasurer of the county in which the abutment rested.

Mr. President, the question arises as to whether or not the State of Indiana can tax an abutment which rests wholly within the territorial limits of Indiana. I say that the State of Indiana can do that unless it has given up that power, because the State of Indiana is sovereign to the extent that it has not given up its power to the Federal Government, or limited that power in its own constitution.

There is nowhere in the Constitution of the United States a provision which would prevent the State of Indiana from taxing any property of another State found within the territorial limits of the State of Indiana. The State of Indiana has not surrendered that right of taxation to the Federal Government and if it were a right which the State of Indiana had surrendered, it would be a right surrendered to the Federal Government, and it would not be an exemption in favor of some other State. The State of Indiana has not given that power to the Federal Government, and the Fed-

eral Government not having it, at least cannot exercise it in behalf of some other State.

The State of Indiana has not given up that power by its own constitution, and the State of Indiana has not given it up in the contract it entered into with the State of Kentucky. Therefore the power still exists in the sovereign State of Indiana to tax property which rests within the territorial jurisdiction of the State of Indiana.

I think a suit has been instituted in Indiana, and, while I am a little bit rusty on the recent opinions of the supreme court of my State, and have not kept up with them as I should have, I believe the Supreme Court of Indiana has sustained the tax on its end of the bridge. I am further borne out in my recollection by efforts which have been made to have Indiana pass a law which would exempt the end of the bridge in Indiana from taxation. So I think that the Supreme Court of Indiana has held that the county of Clark, in which rests the bridge which crosses over from Louisville, Ky., had the right to tax that end of the bridge which was within the territorial jurisdiction of Clark County.

I say, therefore, that the State of Indiana has the right, and the Federal Government cannot take that right away from the State of Indiana by an exemption in a statute of the kind proposed, because the right does not reside in the Federal Government.

Mr. AUSTIN. Mr. President, I have been greatly interested in the discussion of this matter, because the bill is not limited in its effect to the controversy between Indiana and Kentucky. Vermont and New Hampshire have a quite similar situation, and I am sure that in many places throughout the United States this measure would have effect if it were enacted into law.

I call attention to the situation between Vermont and New Hampshire because I think it ought to be considered in connection with the question asked by the Senator from Idaho [Mr. BORAH], since I think that for years, perhaps more than a hundred years, there has been a practical interpretation placed upon the subject of the taxation of bridges by the States of Vermont and New Hampshire.

During a great many years Vermont and New Hampshire cooperated to a considerable extent in the improvement of the Connecticut River and the navigation of the river, in bridging it, and in freeing bridges from toll. Among other things New Hampshire granted charters for 35 bridges spanning the Connecticut River after 1791. Vermont cooperated in most instances with corresponding charters. Of course, I must observe in passing that these charters had somewhat the nature of incorporations. They authorized proprietors in certain towns to erect bridges and to collect tolls for their maintenance.

I find, upon refreshing my recollection, that of the 35 bridges across the Connecticut River between Vermont and New Hampshire, to which I have referred, the approaches to 5 of them were taxed. I first refer to the Columbia Union Bridge Corporation, which erected a bridge between Columbia, N. H., and Lemington, Vt. With reference to this bridge, the town of Lemington, Vt., assessed the west abutment in 1893, and in 1908 and 1909 the description given was "approach to abutment and part of bridge."

I refer next to the proprietors of Lyman Bridge, a bridge between Monroe, N. H., and Barnet, Vt. The town of Barnet taxed the Lyman Bridge Co. from 1893 to 1924 for toll houses and land adjacent to the bridge, and in 1922 the description included "abutment to bridge."

Mr. BARKLEY. That was a privately owned bridge, was it?

Mr. AUSTIN. That is the point I am about to make when I conclude this list of five. I wish to point them out, because I think this amounts to a practical construction.

I next refer to the proprietors of Piermont Bridge, a bridge between Piermont, N. H., and Bradford, Vt. The town of Bradford taxed the real estate of the Piermont Bridge Co., described as lot and buildings, beginning in 1841. From 1877 to 1886 it taxed the land and buildings, and included a part of the bridge, under the following descriptions: "End of bridge with one abutment," "End of bridge abutment to

low-water mark," "End of bridge to low-water mark," and "End of bridge."

Next there was Hales Bridge, a bridge between Walpole, N. H., and Rockingham, Vt. We commonly know Rockingham as Bellows Falls, Vt. The town of Rockingham taxed a part of this bridge from 1862 to 1901, the description sometimes calling for "one-sixth," "one-seventh," or "one-eighth" of the bridge, and in 1872 and 1873 the description called for "bridge."

Next I refer to proprietors of Bedel's Bridge, a bridge between Haverhill, N. H., and Newberry, Vt. With reference to this bridge, Vermont taxed only adjacent lands and buildings from 1837 to 1877; and in 1877 and 1878 the description included "½ a. B. Bridge and etc."

Mr. President, it is my opinion that those bridges all became freed from toll and became property of the public, part of the ownership belonging on the Vermont side and part on the New Hampshire side, which varied exceedingly according to the service of the bridge. If the bridge was according to a town on one side of the river which had a large population and a town on the other side having a small population, there was a variation in the proportion of the bridge that was supported by the respective towns. I believe, but I am not certain of this, having been unable to refresh my recollection about it, although I once knew about these affairs, that none of those bridges are now taxed on either side of the river in any of the towns.

In view of the fact that such taxation as occurred was against what might be regarded as private corporations, and that in no instance that I can recollect or discover was a tax levied against a bridge abutment even, or a tollhouse, or a bridge owned by a municipality or any other public body, I am inclined to the view that on both sides of the river, in both New Hampshire and Vermont, it was accepted as a town proposition or principle that neither side could tax the other sovereignty or any subdivision of the sovereignty with respect to a highway, or a part of a highway, as a bridge always is considered to be.

Although Vermont, if she saw fit to tax, would be especially benefited by the bill not being passed, yet I think my position ought to be according to the experience and habit of Vermont, and I, therefore, am of the opinion on the question of whether the Congress has the power to exempt, that Congress does have such power.

Of course, it is well recognized that unless Congress exercises the power of control over tolls on interstate bridges, States may exercise that power and regulate the tolls, but when Congress steps in and occupies that field its regulation is supreme and the State has to retire from the field. That has been held in a great many cases of ferries between States, notably on the river between New York and New Jersey.

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

Mr. AUSTIN. I yield.

Mr. MINTON. Suppose a ferry that was owned by the State of New York was operating into the State of New Jersey, does the Senator contend that the ferryboat could not be taxed by the State of New Jersey?

Mr. AUSTIN. No. If the State of New York, or the city of New York, or any other subdivision of the State, engaged in business, it would have to submit itself to the same laws that individual private capital is subjected to. That is the difference.

Mr. MINTON. Does the Senator think that a different rule would apply to the property of a municipality or a State which might be acting in its private capacity rather than in its governmental capacity, so far as taxation is concerned?

Mr. AUSTIN. Oh, yes; with respect to liability for negligence and all such matters.

Mr. MINTON. I am not talking about liability for negligence. Everyone knows that that difference exists. I am talking about the taxation, which is the exercise of sovereign power.

Mr. AUSTIN. Yes; I believe a different rule would apply. I believe that a State ought to be and is under the law free from taxation of its highways by any other State.

Mr. MINTON. Of course, its highways would not exist in another State.

Mr. AUSTIN. They do in the case of a bridge owned by the State. A bridge is a part of the highway, and if it extends by the consent of its vis-à-vis into the territory of the opposite State it still is a part of the highway of the State. For that reason I believe that Congress has the power to exempt from taxation, as proposed by the pending bill.

Mr. MINTON. That is an entirely different thing so long as it is exempting the State from taxation. If the rights of Congress were being invaded by the State of Indiana, we will say, or by any other State, or if the right of the Federal Government to tax or not to tax was being invaded by the State of Indiana, that would be one thing, but it is quite a different thing for Congress to say, despite the sovereign power of Indiana to tax, that it can exempt the property of Kentucky from that taxation.

Mr. AUSTIN. Evidently the Senator from Indiana and I disagree about that. I think there is a clear distinction between highways and other instrumentalities of government, and property employed by a State in the business of carrying passengers for hire.

The PRESIDING OFFICER (Mr. HERRING in the chair). The question is on the engrossment and third reading of the bill.

The bill (S. 252) was ordered to be engrossed for a third reading, read the third time, and passed.

#### PRESERVATION OF AMERICAN ANTIQUITIES

Mr. ANDREWS. Mr. President, yesterday I made a motion to reconsider the vote by which Senate bill 3890, being Calendar 1794, was passed. The vote was reconsidered. I now desire to withdraw my objection to the consideration of the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill? The Chair hears none, and without objection the bill is passed.

#### EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

#### RETIREMENT OF JUSTICES OF COURTS OF HAWAII

Mr. ANDREWS. Mr. President, I ask unanimous consent for the present consideration of House bill 8700, being Calendar No. 1898. I have spoken about it to the chairman of the Committee on the Judiciary and also to a member of the committee, the Senator from Vermont [Mr. AUSTIN].

Mr. AUSTIN. I wish to ask the Senator from Florida if the bill as reported was amended by striking out the provision with respect to judges of the circuit courts?

Mr. ANDREWS. It was amended both in the title and the bill as the committee requested.

Mr. AUSTIN. I have no objection.

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. 8700) relating to the retirement of the justices of the Supreme Court of the Territory of Hawaii, judges of the circuit courts of the Territory of Hawaii, and judges of the United States District Court for the Territory of Hawaii, which had been reported from the Committee on the Judiciary with amendments on page 1, line 4, after the name "Hawaii," to strike out the comma and "every judge of the circuit courts of the Territory of Hawaii"; in line 6, after the word "may", to insert "hereafter"; in line 8, after the words "judge of", to strike out "any" and insert "either"; in line 10, after the word "not", to insert "he"; and on page 2, line 12, after the words "service in", to strike out "any one or more" and to insert "either", so as to make the bill read:

*Be it enacted, etc.*, That every justice of the Supreme Court of the Territory of Hawaii, and every judge of the United States District Court for the Territory of Hawaii may hereafter retire after

attaining the age of 70 years. If such justice or judge retires after having served as a justice or judge of either the aforementioned courts for a period or periods aggregating 10 years or more, whether continuously or not, he shall receive annually in equal monthly installments, during the remainder of his life, a sum equal to such proportion of the salary received by such justice or judge at the date of such retirement as the total of his aggregate years of service bears to the period of 16 years, the same to be paid by the United States in the same manner as the salaries of the aforesaid justices and judges: *Provided, however*, That in no event shall the sum received by any such justice or judge hereunder be in excess of the salary of such justice or judge at the date of such retirement.

SEC. 2. In computing the years of service under this act service in either of the aforesaid courts shall be included whether such service be continuous or not and whether rendered before or after the enactment hereof. The terms "retire" and "retirement" as used in this act shall mean and include retirement, resignation, failure of reappointment upon the expiration of the term of office of an incumbent or removal by the President of the United States upon the sole ground of mental or physical disability.

The amendments were agreed to.

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

The bill was read the third time, and passed.

The title was amended so as to read: "An act relating to the retirement of the justices of the Supreme Court of the Territory of Hawaii and judges of the United States District Court for the Territory of Hawaii."

#### AUTHORIZATION TO SIGN INDEPENDENT OFFICES APPROPRIATION BILL

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Vice President may be authorized to affix his signature to the independent offices appropriation bill during the recess of the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and authority as requested is granted.

#### AUTHORIZATION FOR COMMITTEE ON EDUCATION AND LABOR TO SUBMIT REPORTS

Mr. BARKLEY. I ask unanimous consent that the Committee on Education and Labor may be authorized to submit any report it may have ready to submit during the recess of the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

#### RECESS TO MONDAY

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

The motion was agreed to; and (at 1 o'clock and 43 minutes p. m.) the Senate took a recess until Monday, May 23, 1938, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate May 19 (legislative day of April 20), 1938*

##### SOCIAL SECURITY BOARD

Max William Stern, of California, to be Director of International Service in the Social Security Board.

##### APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

###### TO ADJUTANT GENERAL'S DEPARTMENT

Lt. Col. Warner William Carr, Infantry, with rank from October 1, 1937.

###### TO QUARTERMASTER CORPS

Maj. George Andrew Lockhart, Infantry, will rank from August 1, 1935.

Capt. Joseph Conrad Odell, Infantry, with rank from August 1, 1935.

##### PROMOTIONS IN THE REGULAR ARMY

Lt. Col. John Roy Douglas Matheson, Corps of Engineers, to be colonel from May 17, 1938.

Maj. William Gaston Simmons, Cavalry, to be lieutenant colonel from May 17, 1938.

Capt. Henry Thomas Kent, Infantry, to be major from May 17, 1938.

## HOUSE OF REPRESENTATIVES

THURSDAY, MAY 19, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, we turn our prayer to the "mount of God," for it is stamped with a name that will outlive the mountain—"the Lord will provide." We praise Thee with grateful hearts, for in Thee is the secret of a calm and cheerful confidence. O Thou with whom there is no variableness, no weariness, no shadow of turning, give us Thy guidance. We pray that the warm glow of our sympathies may not fade, the arteries of our souls harden, nor the red blood of brotherhood cease to flow. May experience as well as precept teach us the need and the glory of the Golden Rule. When we have pleasure, may it be purified; when doubts, grant their solution; and when troubles have left their tracteries upon hearts and hearthstones, merciful Lord, grant release. O Thou who dost breathe upon the clouds and lift the shadows, may our country begin to round into the pathway of unshaded light. Let in the morning sun. We need the power of the Most High. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed a joint resolution and bills of the House of the following titles:

On May 17, 1938:

H. J. Res. 599. Joint resolution to set apart public ground for the Smithsonian Gallery of Art, and for other purposes;

H. R. 1258. An act for the relief of E. G. Briseno and Hector Briseno, a minor;

H. R. 4018. An act for the relief of Orville Ferguson;

H. R. 5842. An act for the relief of John G. Edwards;

H. R. 5867. An act for the relief of Peter Wettern;

H. R. 6062. An act for the relief of Harry P. Russell, a minor;

H. R. 6708. An act for the relief of S. T. Roebuck;

H. R. 6780. An act for the relief of Mildred G. Yund;

H. R. 6885. An act for the relief of Ephriam J. Hicks;

H. R. 7521. An act for the relief of Joe F. Pedlichek;

H. R. 7796. An act for the relief of Frank Scofield;

H. R. 9218. An act to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes;

H. R. 9226. An act to amend the act of March 9, 1928, authorizing appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army, and for other purposes;

H. R. 9912. An act to convey to the University of Alaska a tract of land for use as the site of a fur farm experiment station;

H. R. 9942. An act to authorize the conveyance of the Mattapoisett (Ned Point) Lighthouse Reservation at Mattapoisett, Mass., to the town of Mattapoisett; and

H. R. 10216. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1939, and for other purposes.

On May 18, 1938:

H. R. 1099. An act for the relief of the New York & Baltimore Transportation Line, Inc.;

H. R. 6652. An act to provide for the administration and maintenance of the Natchez Trace Parkway, in the States of Mississippi, Alabama, and Tennessee, by the Secretary of the Interior, and for other purposes; and

H. R. 10316. An act to amend section 203 of the Merchant Marine Act, 1936, and for other purposes.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 4222. An act for the relief of Mary Kane, Ella Benz, Muriel Benz, John Benz, and Frank Restis;

H. R. 4650. An act to amend section 40 of the United States Employees' Compensation Act, as amended;

H. R. 5633. An act to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States;

H. R. 5974. An act to authorize payments in lieu of allotments to certain Indians of the Klamath Indian Reservation in the State of Oregon, and to regulate inheritance of restricted property within the Klamath Reservation;

H. R. 6410. An act granting a pension to Mary Lord Harrison;

H. R. 7534. An act to protect the telescope and scientific observations to be carried on at the observatory site on Palomar Mountain, by withdrawal of certain public land included within the Cleveland National Forest, Calif., from location and entry under the mining laws;

H. R. 7553. An act to amend the laws of Alaska imposing taxes for carrying on business and trade;

H. R. 7711. An act to amend the act approved June 19, 1934, entitled the "Communications Act of 1934";

H. R. 7827. An act to authorize public-utility districts in the Territory of Alaska to incur bonded indebtedness, and for other purposes;

H. R. 8148. An act to amend Public Law No. 692, Seventy-fourth Congress, second session;

H. R. 8177. An act to create a commission to be known as the Alaskan International Highway Commission;

H. R. 8203. An act for the inclusion of certain lands in the Kaniksu National Forest in the State of Washington, and for other purposes;

H. R. 8373. An act for the relief of List & Clark Construction Co.;

H. R. 8404. An act to authorize the Territory of Hawaii to convey the present Maalaea Airport on the island of Maui, Territory of Hawaii, to the Hawaiian Commercial & Sugar Co., Ltd., in part payment for 300.71 acres of land at Pulehunu, island of Maui, Territory of Hawaii, to be used as a site for a new airport;

H. R. 8487. An act confirming to Louis Labeaume, or his legal representatives, title to a certain tract of land located in St. Charles County, in the State of Missouri;

H. R. 8715. An act to authorize the Secretary of Commerce of the United States to grant and convey to the State of Delaware fee title to certain lands of the United States in Kent County, Del., for highway purposes;

H. R. 9123. An act to authorize the Secretary of War to lease to the village of Youngstown, N. Y., a portion of the Fort Niagara Military Reservation, N. Y.;

H. R. 9358. An act to authorize the withdrawal and reservation of small tracts of the public domain in Alaska for schools, hospitals, and other purposes;

H. R. 9577. An act to amend section 402 of the Merchant Marine Act, 1936, to further provide for the settlement of ocean-mail contract claims;

H. R. 9722. An act to amend section 5 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes", approved January 27, 1905 (33 Stat. 616);

H. R. 10004. An act to amend an act entitled "An act to incorporate the Mount Olivet Cemetery Co. in the District of Columbia";

H. R. 10117. An act granting the consent of Congress to construct, maintain, and operate a toll bridge, known as the Smith Point Bridge, across navigable waters at or near Mastic, southerly to Fire Island, Suffolk County, N. Y.;

H. R. 10118. An act granting the consent of Congress to construct, maintain, and operate toll bridges, known as the Long Island Loop Bridges, across navigable waters at or near East Marion to Shelter Island, and Shelter Island to North Haven, Suffolk County, N. Y.;

H. R. 10190. An act to equalize certain allowances for quarters and subsistence of enlisted men of the Coast Guard with those of the Army, Navy, and Marine Corps;

H. R. 10351. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg.; and

H. J. Res. 447. Joint resolution to protect the copyrights and patents of foreign exhibitors at the Pacific Mercadeo International Exposition, to be held at Los Angeles, Calif., in 1940.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 1591. An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes;

H. R. 1872. An act for the relief of Martin Bridges;

H. R. 5743. An act for the relief of Haffenreffer & Co., Inc.;

H. R. 6351. An act to provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project, near Dumfries, Va., by the Secretary of the Interior through the National Park Service, and for other purposes;

H. R. 7688. An act to authorize the addition of certain lands to the Modoc, Shasta, and Lassen National Forests, Calif.;

H. R. 7689. An act to authorize the addition of certain lands to the Shasta and Klamath National Forests, Calif.;

H. R. 7690. An act to authorize the addition of certain lands to the Plumas, Tahoe, and Lassen National Forests, Calif.;

H. R. 7778. An act to amend section 26, title I, chapter 1, of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900;

H. R. 9688. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River between Rockport, Ind., and Owensboro, Ky.;

H. R. 9721. An act authorizing the disbursement of funds appropriated for compensation of help for care of material, animals, armament, and equipment in the hands of the National Guard of the several States, Territories, and the District of Columbia, and for other purposes;

H. R. 10193. An act authorizing the temporary detail of United States employees, possessing special qualifications, to governments of American republics and the Philippines, and for other purposes; and

H. R. 10535. An act to amend the Second Liberty Bond Act, as amended.

The message also announced that the Senate had passed bills, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 529. An act for the relief of the Missoula Brewing Co.;

S. 662. An act for the relief of Bertram Rich;

S. 1325. An act to provide funds for cooperation with Wapato School District No. 54, Yakima County, Wash., for extension of public-school buildings to be available for Indian children of the Yakima Reservation;

S. 2208. An act for the relief of Bruce G. Cox;

S. 2948. An act for the relief of A. J. Moses;

S. 3034. An act for the relief of Faye B. Millie;

S. 3104. An act for the payment of awards and appraisals heretofore made in favor of citizens of the United States on claims presented under the General Claims Convention of September 8, 1923, United States and Mexico;

S. 3113. An act for the relief of the Congress Construction Co.;

S. 3181. An act for the relief of Leslie Truax;

S. 3198. An act for the relief of Filomeno Jimenez and Felicitas Dominguez;

S. 3276. An act to amend the Merchant Marine Act of 1936, and for other purposes;

S. 3294. An act for the relief of Dravo Corporation;

S. 3295. An act for the relief of Dravo Corporation;

S. 3305. An act to amend laws for preventing collisions of vessels, to regulate equipment of motorboats on the navigable waters of the United States, to regulate inspection and manning of certain motorboats which are not used for pleasure or engaged exclusively in the fisheries on waters of the United States, and for other purposes;

S. 3415. An act to purchase certain private lands within the Shoshone (Wind River) Indian Reservation;

S. 3446. An act for the relief of Richard K. Gould;

S. 3470. An act for the relief of Lewis M. Foster;

S. 3534. An act for the relief of Christ Rieber;

S. 3561. An act for the relief of certain individuals in connection with the construction, operation, and maintenance of the Fort Hall Indian irrigation project, Idaho;

S. 3587. An act for the relief of Mr. and Mrs. P. F. Nixon, parents of Herschel Lee Nixon, deceased minor son;

S. 3611. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River between the towns of Decatur, Nebr., and Onawa, Iowa;

S. 3646. An act for the relief of Michael Waliga;

S. 3712. An act for the relief of certain Navajo Indians, and for other purposes;

S. 3719. An act for the relief of Manuel L. Clay;

S. 3720. An act for the relief of the legal guardian of George P. Jones, a minor;

S. 3739. An act for the relief of Alpha T. Johnson;

S. 3747. An act to amend an act entitled "An act to authorize the Secretary of War to grant easements in and upon public military reservations and other lands under his control," approved May 17, 1926;

S. 3756. An act to prohibit the use of communication facilities for criminal purposes;

S. 3782. An act for the relief of John K. Kennelly;

S. 3810. An act to extend to Chief Quartermaster Clerk David C. Buscall, United States Marine Corps (retired), the benefits of the act of May 7, 1932, providing highest World War rank to retired warrant officers;

S. 3849. An act authorizing the Secretary of the Treasury to transfer on the books of the Treasury Department to the credit of the Chippewa Indians of Minnesota the proceeds of a certain judgment erroneously deposited in the Treasury of the United States as public money;

S. 3867. An act authorizing the North Dakota State Highway Department and the Department of Highways of the State of Minnesota to construct, maintain, and operate a free highway bridge across the Red River;

S. 3917. An act authorizing the President to present gold medals to Mrs. Robert Aldrich and posthumously to Anna Bouligny;

S. 3940. An act authorizing the Comptroller General of the United States to adjust and settle the claim of Oscar L. Mather;

S. 3956. An act to adjust the compensation of the members of the National Advisory Health Council not in the regular employment of the Government;

S. 3980. An act relating to restrictions of Osage property acquired by descent or devise;

S. 4036. An act relating to the tribal and individual affairs of the Osage Indians of Oklahoma;

S. J. Res. 114. Joint resolution for the relief of certain persons who suffered damages occasioned by the establishment and operation of the Aberdeen Proving Ground; and

S. Con. Res. 35. Concurrent resolution paying tribute to the memory of Hon. William Graves Sharp for introducing the first air-mail service bill.

INDEPENDENT OFFICES APPROPRIATION BILL, 1939—CONFERENCE REPORT

Mr. WOODRUM submitted the following conference report and statement on the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate Nos. 24 and 37 to the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1939, and for other purposes, 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 amendments numbered 24 and 37.

C. A. WOODRUM,  
GEO. W. JOHNSON,  
JOHN M. HOUSTON,  
R. B. WIGGLESWORTH,  
EVERETT M. DIRKSEN,

*Managers on the part of the House.*

JAMES F. BYRNES,  
ALVA B. ADAMS,  
FREDERICK HALE,

*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendment No. 24, Social Security Board: Strikes from the bill the following provision inserted by the Senate: "Provided further, That none of the funds herein appropriated under the heading Social Security Board shall be used to pay the salary of any expert or attorney receiving compensation of \$5,000 or more per annum unless and until such expert or attorney shall be appointed by the President, by and with the advice and consent of the Senate."

On amendment No. 37, relating to certain employees compensated at the rate of \$5,000 or more per annum: Strikes from the bill the following provision inserted by the Senate:

"Sec. 6. No part of any appropriation contained in this act or authorized hereby to be expended shall be used to pay the compensation of any experts or attorneys under any independent establishment, except the Tennessee Valley Authority, of the Government of the United States (except persons now in the employ of the Government and persons heretofore or hereafter appointed under the civil-service laws), the rate of which is \$5,000 or more per annum, who shall not have been appointed by the President, by and with the advice and consent of the Senate."

C. A. WOODRUM,  
GEO. W. JOHNSON,  
JOHN M. HOUSTON,  
R. B. WIGGLESWORTH,  
EVERETT M. DIRKSEN,

*Managers on the part of the House.*

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill H. R. 8837.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

EXTENSION OF REMARKS

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein several telegrams and short letters.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

INDEPENDENT OFFICES APPROPRIATION BILL—1939

Mr. WOODRUM. Mr. Speaker, I desire to make a brief explanation on the conference report.

Mr. Speaker, the only two amendments in disagreement in the independent offices appropriation bill were the amend-

ment on the Social Security Act requiring confirmation by the Senate of experts and attorneys receiving \$5,000 or more per annum and the so-called McKellar amendment, No. 37, requiring confirmation by the Senate of attorneys and experts in the independent establishments. The Senate conferees have agreed to recede on both of these propositions.

Mr. RICH. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Pennsylvania.

Mr. RICH. This independent offices appropriation bill has been increased this year sixty-one and one-fourth million dollars over what it was a year ago. Could not the conferees in some way cut down the expenditures in this particular bill?

Mr. WOODRUM. I may say to the gentleman from Pennsylvania that the conferees wanted to do that, but they were so greatly discouraged a few days ago when they witnessed the spectacle in the House of the distinguished gentleman from Pennsylvania, who has always been for economy in the Treasury, vote to override the Budget estimate for rural electrification, thereby raising the sum from \$60,000,000 to \$100,000,000, overriding the estimate of the Budget and the action of the Appropriations Committee and overriding the President, even to the point where the head of the Rural Electrification Administration himself in humiliation had to appear before a Senate committee and state that he did not want the money that the gentleman from Pennsylvania on a roll call was insisting on giving him. The conferees were so greatly discouraged after that that they just simply could not do anything more about it. [Applause.]

Mr. RICH. Mr. Speaker, may I say that had nothing to do with this appropriation bill? It did not come in this appropriation bill. That was a bill where through the gentleman's committee the Congress was attempting to give the President a blank check almost for \$3,800,000,000 of the taxpayers' money of this country to squander. I want to mark that bill so that we can tell what this money is going to be spent for. Rural electrification is one thing in which we are interested. We want to try to have the people of this country get something for their money instead of having it squandered and instead of bullying the people of the country into voting for this obnoxious Democratic administration and keep them in power, thus eventually wrecking our Nation, to which I am opposed.

I am for good, honest, constitutional, sound, sensible government, and that is what we want to try to get. We are going to try to earmark everything we possibly can in the future, if that be possible. I think if the gentleman, as chairman of the committee, will do his duty, we will try to run this Government in a sound, constitutional way instead of creating a dictator out of that gentleman we have in the White House. You fellows are following him like a rubber stamp. It is almost a crime to American civilization to have men of your standing and men of the standing of Members of this House of Representatives committing themselves to nothing but rubber-stamp legislation. [Applause.]

Mr. WOODRUM. May I say to the gentleman, now that he has relieved his system of that speech, that he will have a hard time in years to come to purge his economy record and take from it the blot he cast the other night when he came into the House and, by a teller vote and roll-call vote, increased the President's request for \$60,000,000 additional for rural electrification to \$100,000,000, \$40,000,000 more than was required, and more than the Rural Electrification admitted they wanted, thereby increasing the Budget estimate \$40,000,000, and thereby overriding the action of the Appropriations Committee? The gentleman by that action voted to increase the national debt; he voted to increase the spending he has been complaining about, which casts a blot upon his economy record and years of penitence will not purge it.

Mr. RICH. Mr. Speaker, if that is one mistake, the gentlemen over there are making them all the time.

Mr. WOODRUM. Mr. Speaker, I move the previous question.

The previous question was ordered.  
The conference report was agreed to.

#### RURAL ELECTRIFICATION

Mr. TABER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, in view of the statements of the gentleman from Virginia, I wish to call attention to the fact there was no Budget estimate for any of the \$100,000,000 appropriation for rural electrification. Both the \$100,000,000 and the \$60,000,000 appropriation brought in by the gentleman from Virginia were above the Budget.

#### F. GRAY GRISWOLD

Mr. O'MALLEY. Mr. Speaker, I call up the conference report on the bill (H. R. 7104) for the relief of the estate of F. Gray Griswold and ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7104) for the relief of the estate of F. Gray Griswold 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 disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter stricken out by the Senate amendment insert the following: "plus accrued earnings", and the Senate agree to the same.

THOMAS O'MALLEY,  
ALFRED F. BEITER,  
CHARLES R. CLASON,

*Managers on the part of the House.*

JOHN MILTON,  
JOHN G. TOWNSEND, JR.,  
*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7104) for the relief of the estate of F. Gray Griswold, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The amendment proposed by the Senate strikes out the provisions of the House bill which authorized payment of accrued earnings and interest thereon as provided by law. The conference agreement reinstates the provision authorizing payment of accrued earnings but eliminates the payment of any interest thereon.

THOMAS O'MALLEY,  
ALFRED F. BEITER,  
CHARLES R. CLASON,

*Managers on the part of the House.*

The conference report was agreed to.  
A motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mrs. JENCKES of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address by Hon. J. Edgar Hoover before the triennial convention of the American Federation of Women's Clubs at Kansas City.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to extend the time for filing my remarks on the tax bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

## FLOOD CONTROL

Mr. DRIVER. Mr. Speaker, I call up House Resolution 503. The Clerk read as follows:

## House Resolution 503

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10618, a bill authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Flood Control, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. DRIVER. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts [Mr. MARTIN].

Mr. Speaker, the purpose of this resolution is to make in order the consideration of the bill H. R. 10618, a bill reported by the House Committee on Flood Control, containing an authorization of certain projects which are described in the measure. This bill seeks an authorization of \$375,000,000 to be expended over a period of 5 years. The projects involved amount to about 150 local levee and sea-wall projects and about 100 reservoirs. On every project there is a report of an investigation by the Corps of Army Engineers, made under direction of resolutions of the Congress, and these reports contain specific information with reference to conditions on the various streams on which these projects were selected. The number of projects does not indicate the amount of work the engineering authority will undertake. It is within the discretion of the engineers to select from these projects the most desirable for the purpose of effectuating the largest amount of flood control on the various streams. These projects were selected after an investigation of the rivers as a whole.

This program embraces all sections of the country, beginning with the Connecticut River, which we all know to be a very turbulent stream. The program goes into the State of New York and deals with projects on the Mohawk and Hudson Rivers. It goes into the Ohio Basin and provides supporting projects for those which were authorized under the measure passed by the Congress during the past year and supplements the authority Congress gave for the protective works to prevent another catastrophe such as was suffered by the people in that great industrial valley. It goes into the upper Mississippi River Basin, extending from the flood plain to the northernmost limits of that stream, and provides selected works for the purpose of better protecting the people of that basin.

Thence it goes into the great Missouri watershed, where several reservoirs are to be provided for the purpose of effectuating a more secure control than was given over the floodwaters through the construction of the great Fort Peck Reservoir. It goes to the Pacific coast area, with provision for the effective works within the Santa Ana territory, which suffered from the disastrous floods in California only the past year. We go into the Willamette area of Oregon, and provision is made for works for the protection of that most fertile valley. Thence we drop down to the Arkansas, the Red and the White Rivers, where substantial works are authorized to be built.

I doubt if the works authorized under this bill can be completed within a period of 10 years, although I know it is emergent and should be done within the shortest possible period of time.

Mr. SNELL. Mr. Speaker, will the gentleman yield for a question?

Mr. DRIVER. I yield to the gentleman from New York.

Mr. SNELL. I notice in this resolution all points of order are waived. Will the gentleman kindly inform the

House what are the points of order that could be raised against this legislation?

Mr. DRIVER. When the matter was presented to the Committee on Rules on yesterday by the chairman of the Committee on Flood Control I called his attention to a provision on page 17 of the bill reading as follows:

The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys for flood control, including floods aggravated by or due to tidal effect at the following-named localities, and the Secretary of Agriculture is authorized and directed to cause preliminary examinations and surveys for run-off and water-flow retardation and soil-erosion prevention on the watersheds of such localities; the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes:

This is a new bill, and it contains an appropriation of unexpended balances that will enable the engineers to proceed with investigations without delay.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. DRIVER. I yield to the gentleman from New York.

Mr. O'CONNOR of New York. In effect, it is a reappropriation. The rule for the consideration of the last flood-control bill had the same provision for waiving points of order for the same reason.

Mr. SNELL. Then the gentleman takes it for granted the Committee on Flood Control has no right to reappropriate funds?

Mr. O'CONNOR of New York. Of course not. The committee has no right to appropriate or reappropriate.

Mr. SNELL. I raised that same question against the Committee on Roads a week or 2 weeks ago, and my point of order was overruled on the ground that the appropriations had not been made and they had a right to reappropriate those funds. Here there are both funds that have been appropriated and those that are to be appropriated in the future.

Mr. O'CONNOR of New York. It is a transfer of those funds, possibly.

Mr. SNELL. But the gentleman just stated it is a reappropriation, and that is the question I brought up, and the gentleman from Mississippi opposed me on it, and the Chairman overruled my point of order.

Mr. O'CONNOR of New York. I do not recall the discussion, but I think I read it in the RECORD. The point the gentleman made on that occasion pertained to no appropriations which were then existing; and if appropriations had not been made, of course, you could not have any reappropriation.

Mr. SNELL. In this instance, as the gentleman from Arkansas has just said, it applies to appropriations that have been made and appropriations that are to be made in the future.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman from Arkansas yield?

Mr. DRIVER. I yield.

Mr. WHITTINGTON. I may say to the gentleman from New York, with deference, I confessed the point of order and offered an amendment involving the very proposition here under consideration. The point the gentleman made to another section of the Highway Act involved an entirely different proposition. I want the RECORD to be kept clear.

Mr. SNELL. The question I raised then, and the one which I wish to raise now while it is before the House, is that a committee that is not authorized to make appropriations cannot bring in legislation reappropriating unexpended balances, whether the appropriations have been made in the past or are to be made in the future.

Mr. WHITTINGTON. The language here is "appropriations heretofore," and that is the language that I confessed a point of order to the other day.

Mr. SNELL. I refer to both those that have been made and those that are to be made in the future, and I still maintain that I believe you have done the right thing here.

Mr. DRIVER. I have no doubt about it.

Mr. SNELL. I do not believe this committee has any right to do that, and I did not think the Roads Committee had any right to do it, and I am going to continue to raise that point until I find out, by some more definite ruling than we have had yet, whether a committee that is not allowed to make appropriations can reappropriate unexpended balances.

Mr. DRIVER. I believe the gentleman will confess that under the circumstances there would be justification except for the principle he presents here. Here is the money available and the necessity is strong for the use of the money to make investigations in order that the people who are imperiled and their property rights involved can get more expeditious action. We are not asking for the use of funds that are available that have not been expended.

Mr. SNELL. I do not believe there is any argument where the funds have been appropriated for a certain purpose and are available. I think this committee can direct their expenditure in that case, but I am talking about unexpended balances. Our rules and precedents up to the present time have been very distinct along the line that a committee that was not allowed to make appropriations could not appropriate or designate the appropriation of unexpended balances.

Mr. DRIVER. It would be a designation because the appropriation has been made.

Mr. SNELL. The gentleman from Mississippi last week during an argument he had with me stated, "We intend to reappropriate these unexpended balances."

Mr. DRIVER. This does make them available and the purpose of the bill is to do that.

Mr. SNELL. I think the time has come when we ought to have some decision of this matter that is more in line, in my judgment, with the precedents and the rules of the House than the one we had the other day. I do not know whether it is proper to ask the Speaker at this time for a ruling on that matter or not.

The SPEAKER. The gentleman from Arkansas has the floor.

Mr. DRIVER. I would prefer to have that brought up in the regular way, so I may conclude the presentation of the rule now.

Mr. SNELL. All right.

Mr. DRIVER. I have very definitely stated the purpose and the fact the money is available, and we undertake to get the use of it by this agency of the Government.

In addition to this, we make provision here in the nature of an authorization for continuing the surveys on the part of the engineers, and I want to stress the importance of this authorization. On several of our streams we have found that, due to conditions which have arisen following the surveys and investigation directed by the Congress, there have been changes made which justified the engineers in making the reviews of this work and in order to conform to certain works that have been done on tributaries or other areas that have a direct effect on the particular stream involved, and it is now found that through this review we can save a very considerable amount of money. The purpose of continuing the authority of the engineers to prosecute these new surveys under direction of the Congress is of very vital importance in continuing this character of work on the part of the Nation, and, therefore, taking the bill as a whole, it is one that is demanded. It is one that provides authorizations for work that is emergent in character and is one that should receive the approval of this House in order that we can, through the engineering authorities, enter upon the execution of this most vital plan with the least possible delay. [Applause.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, I have been very much interested in the work of this Flood Control Committee from the very beginning. If I remember correctly, I took an important part in setting up the committee and getting it started on this work. One of the most important questions dis-

cussed at the time we started this flood-control work was the question of whether or not the local communities should pay for the rights-of-way for these various levees and flood-control work. We had extended debate on that in the House at that time. President Coolidge was very insistent that if the Federal Government was going to assume the cost of all of these flood-control works, at least the local communities should pay that part; they should provide the rights-of-way and easements necessary to make these developments. The question has come up several times in a discussion of these various bills, and we have always been able to maintain that principle until the present time. I was very much surprised when I read this bill to find that the committee at the present time intends to pay back to the local communities 70 percent of the cost of these rights-of-way or easements.

Mr. DRIVER. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. DRIVER. That is only on reservoirs. There is no difference from the former bill in other respects.

Mr. SNELL. That to a certain extent is true as far as it goes, but it absolutely destroys the principle we have been working on in connection with these bills ever since we started the flood-control work; and I say now to the gentleman from Arkansas [Mr. DRIVER] and prophesy that when this goes to another body, that body will raise that 70 percent to 90 percent or 100 percent, and in the final analysis we will pay back more than is provided in the bill before us now. When you have established the principle that the Federal Government is going to assume the major part of the cost even of the rights-of-way and easements, the next step from your committee will be to pay 100 percent. Even if you go through at the present time at 70 percent, you have your nose now under the tent, and it is going to be easier the next time than it was the first time, and after you have done that, I know what you will do. You will bring in a bill and say, "Now, these people are not paying anything for the rights-of-way or easements, and the people who started these projects 5 years ago did that, and it is unfair to them, and we propose now to pay back to them the amount of money that they have paid for these rights-of-way."

Mr. Speaker, to be absolutely honest, the committee is adopting a wrong principle. It does not mean an awful lot to me, but I have been so interested in this work, and have fought so hard for so many years to retain this principle that I regret exceedingly to see it abandoned at the present time, and I know what the ultimate effect will be. I ask the gentleman to bear in mind the words that I have just said, that the next step will be to take it away entirely, and then to pay back the money that these people originally paid to help buy these rights-of-way.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. KELLER. To illustrate some of the things the committee had to consider along that line, I call attention to the fact that this does not apply to levees and dams, but only to reservoirs. Take the State of Kentucky, where I think there are 17 reservoirs provided for. The people of those reservoir regions will not profit one penny from the formation of those reservoirs, but the reservoirs will be of very great advantage to everybody below there. Why should the gentleman expect those people in Kentucky to pay more than the 30 percent that we are providing in the bill?

Mr. SNELL. Mr. Speaker, I have followed this thing very closely for a great many years, and I am honest in my belief that it is for the benefit of the taxpayers of the United States if we continue to apply this principle. I appreciate the fact that the people of the State of Kentucky do not want to pay this if they can get the Federal Government to pay it, and I presume if there was a project in my own community the people there would feel the same, but as far as I am concerned personally, whether the project is in my territory or elsewhere, I know that the original principle adopted when we started the flood-control work was absolutely right and sound, and I am against abandoning it at the present time, whether the projects are in New York, Kentucky, or Texas.

Mr. KELLER. Did that apply especially at that time to reservoirs or only to dams and levees?

Mr. SNELL. We had not got so far as reservoir building at that time, but there were some very expensive rights-of-way to maintain for flood control at that time.

Mr. KELLER. But not for reservoirs.

Mr. SNELL. Not quite the same, but when a piece of land is overflowed with water, it has practically the same effect. I know there were some expensive rights-of-way at that time, but when you do this, you abandon the principle that we worked for, for 12 or 15 years.

Mr. KELLER. I want to profit by the gentleman's experience, because the gentleman has had a long experience.

Mr. SNELL. It does not seem to do much good.

Mr. KELLER. I have always considered what the gentleman had to say, even though I could not agree with him, but I do call attention to the fact that the gentleman's idea of payment of part did not at that time apply to reservoirs, because the reservoir system had not been developed at that time.

Mr. SNELL. It was a general system of flood control. We talked about reservoirs then, but did not authorize them, but the gentleman is getting the camel's nose under the tent and the next proposition will be what I have said here, and after another decade has gone by, we will be paying back what they have already paid for these rights-of-way and easements on the Mississippi River.

These people asked for and accepted these appropriations originally with the understanding that they would stand the costs of these rights-of-way, and would not ask to have that principle abandoned.

Mr. KELLER. And that principle is not changed.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. SNELL. I yield gladly to the gentleman from Mississippi, because he and I have discussed this principle many times.

Mr. WHITTINGTON. I may say to the gentleman from New York that there is no change in existing law respecting local contributions for local protective work on the Mississippi River or any other river in the United States. I may also say that the proposed change affects only reservoirs. I would remind the gentleman in this connection that under existing law in certain cases the Government is directed to reimburse the local interests 50 percent of the cost of the land and easements, rights-of-way, and so forth. I say that the principle of local contribution has been retained in this bill.

Mr. SNELL. Yes; that is partly so. But by yielding a part of the original principle, and advocating that the Federal Government assumed to pay back to the communities 70 percent of the cost of the rights-of-way, is in my judgment the beginning of the end of that principle that localities should assume the cost of the rights-of-way for these extensive and in many cases local improvements.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. CLASON].

Mr. CLASON. Mr. Speaker, the problem of flood control in the United States has become a matter of outstanding national importance. Year by year there is a substantial growth and development of the population and industries in each of the major river valleys of the country. Regardless of the causes, and many have been advanced, including the destruction of our great forests, floods of ever-increasing proportions have been descending our rivers during the past 20 years. In the short space of time allotted to me, I shall not attempt to speak of the history and of the causes of our great flood disasters. I will not attempt to outline the legislation sponsored by the Congress and by the several States to secure protection. Suffice to say that at this time the House of Representatives is peculiarly fortunate in having as the chairman of its important Committee on Flood Control Congressman WILLIAM M. WHITTINGTON, of Mississippi, who through years of conscientious study and devotion to the

problems raised by our rivers, has become the outstanding legislative authority on the history, causes, and proper means of combating floods in the United States. In justice to Congressman WHITTINGTON, I would like also to add that in the conduct of the hearings and the executive sessions of the committee, he has been most thorough and painstaking in his efforts to bring all valuable testimony to the attention of the Members, and exceedingly kind, fair, and impartial to each of the members of the committee in the conduct of the hearings and in the discussions which have followed. The bill which is under consideration this afternoon represents in very large measure his handiwork.

It is my purpose to discuss flood control as it applies to the Connecticut, which is the only river in New England referred to under the terms of this particular bill. This is due to the determination of the committee to include only authorizations for projects which have already secured the approval of the War Department. Under prior legislation, such authorization has been given for the construction of reservoirs on the tributaries and headwaters of both the Connecticut and Merrimack Rivers, in Vermont, New Hampshire, and Massachusetts. These reservoirs will afford in large measure protection for all communities on both rivers, but are insufficient to protect properly the larger cities and towns.

This bill provides for the construction of dikes and other protective works at seven urban centers. I wish I could make evident to all of you who have not visited western New England its beautiful scenery and glorious recreational opportunities. But today I want you to visualize a great river rising on the Canadian border and flowing downstream as the boundary between Vermont and New Hampshire, then across Massachusetts and Connecticut, and on into Long Island Sound. To some of you perhaps it would seem a small river, but you must realize that the Connecticut flows through the largest and most important district in the United States for the manufacture of finished metal products. Here live our finest workmen in metals where the most precise work is demanded. To this district in time of war our country must turn for immediate expansion of production of necessary war matériel.

Picture 40 miles along this broad river from Northampton to Hartford, where all the proposed works will be constructed. In the seven cities which lie in a practically unbroken line upon both its banks more than a half million persons live. On the lowlands at the river's edge in the flood areas are the homes of more than 50,000 men, women, and children, and large and small industrial plants and offices employing more than 100,000 wage earners. The properties in these areas exceed more than a quarter of a billion dollars in assessed valuation. In times of peace the floods cause untold human suffering and privation. In times of war one flood on this river might cause a national disaster of stupendous proportions to our armies, whether on our own or foreign soil.

The total cost to the Federal Government for the proposed works at all seven places is only \$11,524,000—a small price, indeed, to pay for the protection of this area, so valuable in time of peace and so vital in time of war.

For the three centuries in which white men have inhabited the Connecticut Valley, floods have endangered lives and destroyed property. The first great flood of record occurred in 1639, and since that time they have been recurring with disastrous frequency.

While local protection was undertaken in various communities prior to 1927, for the most part the works were not extensive, and they afforded protection against minor floods only. In November 1927 a really great flood occurred, causing a loss of \$15,526,000 in the States of New Hampshire, Vermont, Massachusetts, and Connecticut. Following that flood, the different States and many local communities undertook a flood-control program. However, this program proved ineffectual, when in March 1936, the greatest flood in a span of 300 years struck the valley with terrifying intensity. With startling rapidity practically every stream

emptying into the Connecticut River reached flood stage in a relatively few hours, while the river itself quickly topped its banks. As the swollen waters of the river rushed to the sea, it quickly overflowed its banks and, without adequate warning, overtopped all dikes erected following the 1927 flood. While many manufacturing plants moved machinery and equipment to higher levels, and individuals moved their stock and household goods to places of safety, it is almost impossible to picture the misery and grief that this flood brought into every community in that great valley. Ten thousand families were made homeless. Great industrial plants were submerged, explosions and fires followed, cities were plunged into darkness as electric power plants were forced to shut down, food supplies became inadequate, and the grief and suffering was widespread among the stricken people. In the agricultural communities more than 30,000 acres of land were submerged, of which 4,600 acres were destroyed for all future uses, while 6,000 additional acres were damaged in varying degree by waste deposits. In large measure such damage to farm lands through future floods of equal intensity will be prevented when a comprehensive program for flood control through a reservoir system, planned after careful study by the Army engineers, and already authorized by Federal legislation, is undertaken and completed. Detailed surveys and plans have been made at several different cities and towns in the Connecticut Valley by the Army engineers for determining the need for local protective works.

In the larger industrial communities of Northampton, Chicopee, Holyoke, Springfield, and West Springfield, Mass., and Hartford and East Hartford, Conn., benefit will be obtained from the proposed reservoirs, which will take from the crest of any floodwaters a varying number of feet as the flood passes these different communities. However, another flood of the size of the 1936 flood, or one of somewhat larger proportions which might be anticipated according to the data of the Army engineers, would cause such great damage in the urban centers, even if the reservoirs are in operation, that adequate local flood protective works must be constructed. Both the reservoirs and the local works are necessary to provide complete and adequate protection in the Connecticut Valley. According to the testimony of the Army engineers, both the reservoirs and the local works should be constructed immediately. If funds are not available for the construction of both at this time, the engineers advise that the local protective works should be built first because they will furnish immediate and complete protection for the valuable industries and properties within their boundaries, where lives are most likely to be lost and where the greatest property damage is to be expected. During the 1936 flood the direct and indirect damages suffered in these seven cities and towns amounted to \$36,211,000, while the depreciation in property values was \$63,894,000. Thus these seven communities lost more than \$100,000,000 from the 1936 flood alone. Record floods have occurred in the Connecticut Valley in every month of the year except September. In the last 18 years floods causing serious damage have occurred on 12 occasions. On such occasions these seven cities and towns suffered in varying degree.

The Army engineers have approved a plan for the construction of local protective works at these seven places, at a total cost of \$12,788,000, of which the Federal Government will furnish \$11,524,000 and the local interests \$1,264,000. The work would be done under the provisions of the present Flood Control Act of 1936, and, in the opinion of the Army engineers, not only should these projects be authorized under the terms of the bill now under discussion but construction should be started as soon as money becomes available.

Mindful of the great personal suffering and appalling damage that was done to property in the floods of 1927 and 1936, the people of the Connecticut Valley are appealing to the Federal Government to prevent a recurrence of these disastrous floods. Since 1936 there has been a splendid spirit of cooperation on the part of public officials in the effort to bring about this protection so vitally necessary to safeguard the homes and business of the people of the valley.

It has been a pleasure for me as their Congressman to appeal for them and guide their efforts before the Federal Government.

The Chief of Engineers and many of the officers serving under him have given careful consideration to the problems of the Connecticut Valley and have compiled a great mass of detailed information, upon which they have based their conclusion. At all times they have been considerate in their efforts to be of assistance to me when I contacted them on many occasions. I wish particularly to express my appreciation of the kindness of the Board of Engineers for Rivers and Harbors in holding a hearing at Springfield, Mass., at my request, in order that the public officials and citizens of the cities of Northampton and Chicopee might present the needs of their communities for adequate flood-control protection, with as little inconvenience and expense as might be possible. It also afforded the members of this Board an opportunity to see on the ground as a group the local situation from Holyoke to Hartford, as they personally proceeded along the river bank. Such acts as these contribute in no small part to the high esteem and respect in which the Army engineers are held by the people throughout the Nation. I also appreciate the opportunity afforded to me by Chairman WHITTINGTON and members of the Flood Control Committee in permitting the mayors and other public officials of the cities, towns, and communities to appear in person and testify as to facts involved in determining the requirements for flood control in the Connecticut Valley.

In closing, I would call again to the attention of the Members the distinction between the manner of payment for flood-control reservoirs and for local works. That part of the present bill under discussion, H. R. 10618, which provides for reimbursement to States or political subdivisions of 70 percent of the actual expenditures made by them in acquiring lands, easements, and rights-of-way applies only with reference to the construction of dams and reservoirs. Under the existing law, which is not affected in this record by the present bill, the local interest must pay 100 percent of the expenditures made by them for such purposes. This requirement will be gladly met by each of the seven cities and towns in our valley, for we appreciate how necessary these works are for our safety.

Some day and somehow, I hope that the people of the Connecticut and Merrimack Valleys will be adequately protected from any future floods through the comprehensive plan calling for the construction of the reservoirs. As the bills authorizing the approval of both the Connecticut and Merrimack River compacts for the construction of these reservoirs have been favorably reported by the Flood Control Committee, I look forward to the time when the present controversy between the State and Federal administrations will be settled. At that time, the people of these two great river valleys will be made as secure as the combined efforts of the Federal and the local Governments can make them. [Applause.]

Mr. DRIVER. Mr. Speaker, I yield 10 minutes to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, I have taken this time under the discussion of the rule in order to voice my approval of this legislation, which I think is very constructive in character. As was said by the gentleman from Arkansas [Mr. DRIVER], it carries authorization for \$375,000,000 and provides a very comprehensive plan of flood control and reservoirs for power purposes stretching from New England to the Pacific coast and from north to south, treating the whole subject of conservation and flood control in a comprehensive manner as a national policy. I have long since been convinced that no one State can handle a policy of this character. These floods, of course, arise in the inner parts of the country and move across many States. It can only be by national planning if we are to have a constructive program of flood control and the development of electrical energy.

All of these projects have been approved from an engineering standpoint. They are listed in the hearings and

are to be found in practically every river valley in the Nation. The projects consist of levees and of reservoirs. This comprehensive plan will fit into our conservation program of growing timber and the conservation of our soil and increase of our water supply and raising the water level in order that climatic conditions may be better stabilized. Many of these projects will be partly or entirely self-sustaining. There are 100 different projects in the bill pertaining to reservoirs. Many of these can be made to develop a large amount of electrical energy—not, of course, like Muscle Shoals and the other great projects—but these smaller projects will serve the local communities and will help to build a network of power lines through the country and will serve all parts of the country alike, using them not only for local service but as stand-by plants for the larger systems, building a network throughout the entire Nation.

This is the greatest outlet for the purchase of factory-made goods of which I can conceive. Every locality should have the advantages of rural electrification. Such modern conveniences should be extended to our farm and suburban populations. We are just entering the electrical age, which provides a more abundant life for the homes of those where kerosene lamps and back-breaking drudgery have driven many from the farms to the crowded, crime-producing, unsanitary centers of the congested centers. This program will assist the "back to the country" movement. It will help to lift our people to a higher plane of independent living.

In the construction of these reservoirs there will be required structural steel, concrete, wood, and machinery. This will increase the industrial output and help to turn the wheels of the factories, which will give employment to the people in the industrial centers, and at the same time we will be constructing something that is really worth while for future generations.

We have already launched on a plan of soil conservation. The greatest resource of the Nation is the top soil that is now being washed down the valleys by these devastating floods, destroying the future capacity of the Nation to feed our ever-growing population, destroying the greatest resource for the production of foodstuffs. We have launched on a program of soil conservation by increasing our timber supply. This program of reservoir construction supplements that. We have a limited timber supply. Many communities do not have a water supply. Many are short in electrical energy for rural electrification. If we are going to give this electrical service to our rural communities in all parts of the country, we must have these reservoirs and smaller plants in various localities to supplement the larger ones. It will also relieve unemployment.

Mr. Speaker, while we are making large appropriations for unemployment, why not at the same time build something for the future generations of our country in the way of conservation and preservation of our soil, timber, water, and electrical energy? The value of our water resources has been estimated to be greater than our coal and oil. This is plausible because coal and oil may be exhausted. The water energy resulting from these reservoirs, which will create electrical energy for lighting, heating, and turning machinery, is a permanent resource. It will go on through the years and is not exhaustible in the sense that coal and oil is exhaustible.

We are therefore building on a Nation-wide scale. We are going back to the old system of nature in the control of floods. We are stabilizing rainfall and climatic conditions. Nature had the lagoons, the ponds, and the swamps in which the water remained throughout the entire year, so that when the heated season of the summer came along there was still water for vaporization. The rain supply was more uniform. Man has destroyed that by cutting down the timber and draining the swamps.

We are going back to Nature's way of taking care of the water by impounding it on the watersheds in the inner parts of the country, at the sources of supply, where it existed when our forefathers began pioneering in the cutting of timber and the draining of the swamps.

The gentleman from New York has raised the question about change of policy so far as local contribution is con-

cerned. That does not apply to the levees provided in this bill any more than it did in former bills. The local community must still provide the right-of-way and the soil banks, as well as take care of the local damages. But this bill does provide a different policy with reference to reservoirs, and there should be a different policy. When we build a levee we are building it for the benefit of the local community. When we build a reservoir, the United States Government takes title to the property and the resource becomes national and the return, which is largely self-liquidating, goes to the Government. It is a Government-owned project for the use of the general public and I cannot conceive of a policy of building reservoirs without the Government paying all the damages, paying for the easements that may be utilized or appropriated, and I say the committee has followed the correct rule by providing a difference with reference to reservoirs from what is followed in the case of the building of a levee or sea wall, because of the benefits under the ownership that will follow.

I have always believed in this comprehensive plan of flood control and have always supported such legislation. I want to compliment the committee for starting a policy that is Nation-wide which will work in with our other programs of soil conservation, the preservation of our water-power rights, our soil, timber, and wildlife. This is a national policy and I am glad to support the bill. [Applause.]

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield the balance of my time to the gentleman from Tennessee [Mr. TAYLOR].

Mr. TAYLOR of Tennessee. Mr. Speaker, I have requested this time in order to again express my views on the much agitated and much controverted wage and hour legislation now pending in the Congress. At the outset, I want to say that I yield to no one in my interest in the wage earners of this country. I not only want them paid a living wage, but I want to see them receive every dollar in wages that the various industries of the country can pay and continue in business.

Mr. Speaker, I can sympathize with people who earn their bread in the sweat of their faces, because I have had that very same experience myself—I was born and reared on a farm. The farm on which I was reared had no fertile river bottoms. It was a hillside farm that would not admit of the use of cultivators or tractors. It took real perseverance and perspiration, and a copious amount of fertilizer to coax even a modest response from the soil on such a farm. I taught school for \$5 a week and rode a mule 10 miles a day for the privilege. The first 3 years I practiced law my average income per year was less than \$300. So, Mr. Speaker, knowing what it is to exist on a "shoestring," I can fully sympathize with others who have existed, and some who still do, somehow, manage to exist on meager wages. The fact that I have had this experience actuates me in my earnest desire to see every man and woman who toils receive a decent wage.

Mr. Speaker, under existing conditions it seems to me that our big problem of the moment is to provide jobs for the vast army of unemployed in our country. It occurs to me that there is little point in legislating a particular wage if the legislation will have the effect to impose such burdens on business that it cannot survive and is compelled to "fold up" and thus increase and aggravate our already enormous unemployment problem. I do not believe the reasonable wage earners wish to "kill the goose that lays the golden eggs." The working people of America are to be commended for their aspirations to secure due compensation for their toil, but I do not believe any conscientious worker wants to impose on his employer a hardship and handicap that will put him out of business. This, of course, would be the sheerest sort of folly.

#### FAVORS MINIMUM WAGE

Mr. Speaker, I favor a minimum-wage law that will protect the workingman in his rights and at the same time protect his employer against bankruptcy. I oppose the House bill on various grounds. First, because, in my opinion, it is clearly unconstitutional. In all of the cases involving the

subject of wages and hours that have thus far been passed on by our Supreme Court, that Court has uniformly held inferentially that an unreasonable, arbitrary wage violates the due-process clause of the Constitution. The acts that have been upheld by the Supreme Court have been sustained because they specifically provide for fact-finding agencies. The Court has held by implication that, while an arbitrary wage might well be paid by one industry, to pay such a wage might amount to confiscation when applied to some other industry. To me this is perfectly sound and logical, and for that very reason it seems to me that the Norton bill is clearly unconstitutional.

#### REASONS FOR OPPOSITION TO NORTON BILL

I am opposed to the Norton bill because it makes no provision for differentials. I can readily understand how Representatives from the Northern and New England States can well afford to support such a proposition, but due to certain disadvantages from which the Southern States suffer, I know that if such a bill becomes law it will mean the liquidation of many large and thousands of small industries in the South and in other sections of the country, and will add at least 2,000,000 to our now 15,000,000 unemployed. The Federal Government recognized this disadvantage in the administration of the N. R. A. and made suitable provision for it. The Government likewise recognizes it today in the administration of the W. P. A., as is illustrated in the fact that in the North wages are paid to the amount of from \$50 to \$65 per month, whereas in the South our people are only paid from \$19 to \$30 per month. While I recognize and denounce such a practice as unfair and downright immoral, nevertheless it is being done today under this benevolent New Deal, which preaches the doctrine of the "more abundant life."

I am opposed to the so-called Norton bill because it discriminates against millions of wage earners of the Nation. This bill only applies to persons engaged in work the products of which go into interstate commerce. Those millions of wage earners who are otherwise employed, and who represent the poorest paid part of our working population, will receive no benefit whatsoever from this legislation.

I am opposed to this bill because, in my honest judgment, its enactment will greatly increase the use of machinery in industry. If the employer finds he cannot comply with the provisions of this legislation, he will either go out of business or purchase machines to take the place of manpower, and either alternative will spell more unemployment, more relief, and consequently greater distress.

I am opposed to the Norton bill because it vests unprecedented dictatorial authority in the Secretary of Labor. Under the terms of this act, this official will set up in that Department a bureaucracy greater and more arrogant and autocratic than we have hitherto seen even under the New Deal regime. Thousands of agents, examiners, snoopers, and investigators will be sent throughout the country to aggravate and intimidate both labor and industry. Mme. Perkins will have charge of this Department for at least another 2 years, and I do not believe the people of this country are willing to turn over the fate of labor and industry to a person who said only a year ago that she had not yet been convinced that sit-down strikes are illegal. Only a short time ago this same individual exhibited a most unwarranted prejudice against the South when she gave public expression to the statement that the people of the South were so backward that they had not yet learned to wear shoes. The people of the southland have neither forgotten nor forgiven this scurrilous insult, and I am sure they would be unwilling to turn the welfare of their industrial traditions over to a person who thus maligned them. [Applause.]

#### DEFENDS SOUTH

Mr. Speaker, during this wage and hour controversy there has been a studied effort to misrepresent and scandalize the South. Propaganda has been put in widespread circulation to the effect that southern employers are an aggregation of bloodsuckers who have no consideration whatever for the health, the contentment, and the general welfare of their

employees. It has been charged by persons in high authority that the industrial South is permeated and dominated by feudalism. A bold effort has been made to communicate the impression that the industrialists of the South are practicing what practically amounts to peonage and slavery. I challenge and resent this downright calumny as a gross slander to the South. Of course, we may have a few greedy Shylocks and a few ruthless Simon Legrees among the employers in the South, but the number is insignificant in comparison with the vast number of high-class employers who take a personal interest in the welfare of their employees, and who sincerely endeavor to make every possible provision for their comfort and well-being. I am sure that the employers of the South will compare favorably with their brethren in the North when it comes to solicitude for their employees. I certainly make no defense for any employer who is unwilling to share the profits of his business with those in his employ, but simply because we have a few chiselers in industry is no reason for condemning the entire group. To do this would be just about as sensible as burning down your home in order to get rid of a few rats. Let us pass a wage and hour bill that would liquidate the chiseler without inflicting irreparable ruin on the honest employer, who wants to give generous consideration to those who work for him.

#### DEFENSE OF SOUTHERN INDUSTRY

Now, getting back to the charge that the industrial South is dominated by a lot of "feudal barons" whose only ambition is to coin the blood of their employees into filthy shekles. As I said before, we undoubtedly have some sweatshops in the South, and no one will go further to eradicate them than I. But, Mr. Speaker, let us be fair to the South. As a southerner, a Republican, and the son of a Union soldier, I ask for nothing more. In the language of Al Smith, "Let's look at the record." The fact that southern manufacturing industries are already paying out a larger percentage of their gross income in wages than are the manufacturing industries of the principal factories of the North is easily provable—and that by Government statistics. The last year for which statistics were available were published by the Bureau of the Census of the Department of Commerce for the year 1935, and they show that manufacturing industries for 11 Southern States, after deducting the cost of raw materials, paid \$39.45 in wages for every \$100 of manufacturing income, whereas in 4 of the largest industrial States of the North the manufacturing industries paid only \$32.17 in wages from every \$100 of manufacturing income after deducting the cost of raw materials. The Southern States considered in this comparison are Virginia, North and South Carolina, Tennessee, Georgia, Kentucky, Alabama, Florida, Mississippi, Louisiana, and Arkansas. The four Northern States considered are New York, Pennsylvania, Ohio, and Michigan.

This report from the Commerce Department shows that the workers in southern manufacturing industries are receiving 39.45 percent of the total manufacturing income, as compared to 32.17 percent received by northern industrial workers. Of course, the volume of northern manufacture for that period far exceeds that of the South. The total value of the products manufactured in the 11 Southern States I have cited amounted to only \$4,885,954,814, whereas the total value of the products manufactured in the 4 Northern States just mentioned was \$19,092,592,094. So, in spite of the fact that industries in the South are small, often poorly equipped, and scattered over wide areas, the southern worker receives more in proportion to the value of production than does the northern worker, who is employed in huge, concentrated, modern, efficient factories. Hence this advantage resulting from northern mass production makes it absolutely necessary that the South have the benefit of a wage differential if southern industry is to survive.

#### OBJECTION NOT POLITICAL

Mr. Speaker, I am not opposing this House bill because it is sponsored by the present administration. My opposition to it is based on the conscientious belief that its enactment and enforcement will bring grief and calamity not only to

industry but to labor as well. I am opposing it because I candidly believe it will close down thousands of factories and force millions of people now gainfully employed into idleness. A short time ago Congress passed a similar law for the supposed benefit of the female workers of the District of Columbia. This law went into effect only last week, and already we are reading in the Washington press that there have been wholesale dismissals of women workers as a result of this legislation. I quote from an editorial appearing in yesterday's Washington Post, as follows:

Under the national wage and hour bill sponsored by the House Labor Committee, there will be no careful adjustment of minimum wages to the conditions of each industry in each locality. On the contrary, a rigid minimum would be fixed for all industries affecting commerce throughout the country.

Congress ought not to ignore the very real implication in the District's experience, which has caused a good deal of unemployment at a time when a staggering number of individuals are already without jobs. That measure was pressed in the House largely as a means of creating purchasing power. Insofar as it might raise wages this reasoning is correct. But the sponsors of the bill entirely overlook the counteracting effect of dismissal likely to result on account of the inability of many employers to pay.

#### POLITICAL SHAM

The wage and hour issue, like all other social-welfare subjects, affords a fertile field of operation for political demagogues, who "toil not and neither do they spin." While this gentry never met a Saturday night's pay roll, and never earned a dollar as a result of honest labor in their lives, they rave and rant day after day, and especially during campaigns, about the injustices of our economic system. The only interest they have in the wage earner is to get his vote, and they are perfectly willing to resort to the cheapest sort of duplicity to accomplish this end. They wring their hands in pretended anguish, and great crocodile tears stream down their faces as they picture the woes of the downtrodden. [Applause.]

In an effort to hoodoo, hoodwink, humbug, and soft-soap the laboring man, these selfish and designing politicians tell him that a 40-cent an hour wage is outrageous—that it ought to be 50 cents or 60 cents, or even 75 cents or more. What difference does it make to them? All they are interested in is to get the labor vote, and they are perfectly willing to stoop to any sort of cheap hypocrisy to do it. I am glad to say, however, Mr. Speaker, that most of the workers have gotten wise to the shams and insincerity of the political shyster. They are on to his despicable game and his protestations of friendship and sympathy are repulsive. I am confident the average workingman in America realizes that his real friend is the man who is striving to help him in an honest, sincere, and legitimate manner.

#### MY WAGE AND HOUR BILL

Mr. Speaker, I have a wage-and-hour bill pending in the Labor Committee of the House which I consider a very substantial improvement on either the House or Senate bills, which I hope to have substituted for the Norton bill when it comes up for consideration. My bill provides for a 40-hour week, and a 25 cents per hour minimum wage. The Norton bill provides for the same minimum wage as my bill, but the Norton bill also provides for a graduated increase of 5 cents per year until the wage reaches 40 cents. To me, this graduated scale is fraught with grave danger, both to industry and to labor for this reason: Just before the advance in wages the business people of the country engaged in the sale of industrial production will overstock their warehouses, with the result that there will be a long lapse of orders during which time there will be such stagnation that factories will have to close down, which will mean unemployment for the workers. According to the terms of my bill a 25-cent minimum is established, and when industry adapts and adjusts itself to the new order, it will be an easy matter for Congress to pass an act increasing the minimum as the needs require and the circumstances permit.

In taking this position, Mr. Speaker, I do not mean to commit myself to a 25-cent minimum wage. I am a strong believer in high wages. I want to see labor paid the highest

possible wage that the traffic will bear. While by every rule of fair play, industry is entitled to a reasonable return on its investment, labor also is entitled to share justly in the distribution of the profits.

My bill also makes provision for beginners and apprentices by providing a period of 6 months' training before the arbitrary minimum wage becomes effective. To me the fairness and logic of this provision is perfectly apparent and cannot be successfully controverted.

There are thousands of people now employed in industry who, due to age or physical disability, are unable to compete with their fellow workers, either in point of production or efficiency. They are being kept on the company pay rolls in many instances out of a sentiment which I consider very worthy. Industry could not continue their employment if required to pay them the same wage as that paid others who do not suffer such handicaps. My bill provides for these cases by authorizing the State commissioner of labor to fix a proper wage, taking into consideration all of the facts and circumstances. In the matter of enforcement, my bill is exactly the same as the bill sponsored by the American Federation of Labor, which was rejected by the House last December. The A. F. of L. bill vested enforcement in the Department of Justice and the courts, free from any sort of bureaucracy. I do not want to see the laboring people of this country regimented like so many sheep and neither do I want to see industry hog-tied and hamstrung as will surely follow if either the House or Senate bill is passed without substantial amendment.

Mr. Speaker, I cannot support a proposal that will set up a dictatorial bureaucracy in the Labor Department or in some separate agency. Such a law will not only seriously cripple if not wholly destroy the organized-labor movement, but it will do more damage to both labor and industry than anything that has ever happened in this country.

#### ENDEAVORED TO COOPERATE

Mr. Speaker, I am more interested in the welfare of my country than I am in the weal of any political party. I am an American before I am a partisan.

When Mr. Roosevelt took office on March 4, 1933, feeling that he was entitled to a fair opportunity and a square deal, I laid aside my partisanship and cheerfully undertook to support his program. I voted for the N. R. A., and I still believe it might have succeeded but for the fact that those charged with its administration used it as an engine of oppression rather than as an agency for good.

I supported the Triple A, and it might have likewise succeeded but for the fact that a few autocratic bureaucrats here in Washington who never saw a growing crop except from the window of a luxurious Pullman car, sat in their swivel chairs in the Department of Agriculture and undertook to tell the farmers of the United States when to sow and when to reap, and just how many pigs and pumpkins they should produce.

I supported the bank guaranty bill, and I still consider this piece of legislation one of the soundest, most wholesome, and most generally beneficial to the public at large that the Congress has ever enacted. I might add, in passing, Mr. Speaker, that during the last 2 years of the Hoover administration when the House was Democratic, I introduced substantially the same bill which the Democratic Banking and Currency Committee refused to report out, because it did not desire to give a Republican administration credit for such a constructive measure. In other words, the Democratic members of this committee were so partisan that they were willing to allow the banking structure of the Nation to cave in in the interest of political strategy and expediency.

I supported the T. V. A., and as a testimonial to my activity in behalf of this measure, I was one of a dozen Senators and Members of the House who were invited to the White House to witness the signing of the bill. And as a further mark of appreciation of my services, Mr. Roosevelt presented me with one of the pens which he used in approving the measure. As a matter of fact, Mr. Speaker, I had been sup-

porting legislation for the development of the Tennessee River long before Mr. Roosevelt was ever dreamed of as President.

I supported the social security bill, mainly because of its title providing pensions for the aged, the blind, and dependent children. Realizing that the States could not administer this title of the act satisfactorily, along with others, I attempted to have the bill amended to provide that these pensions be paid direct by the Federal Government, but we were informed by the Democratic leader that the President would not sign the bill unless it provided for both State participation and State administration.

True, I voted against the President's so-called economy bill, because I knew and stated on the floor of the House at the time that it was designed primarily to penalize the ex-service men. The bill was passed as an economy measure under a guise of false pretense, and immediately following its enactment the truth of my prophecy was fully verified. Ex-service men and their widows were ruthlessly stricken from the pension rolls. Even Civil War veterans and their widows were not spared the vengeance of the administration's guillotine. Spanish War veterans and their widows saw their pensions reduced from 50 to 75 percent, and World War veterans to the number of hundreds of thousands were mercilessly stricken from the rolls. Some restitutions have since been made, but the blight of the Economy Act still rests upon hundreds of thousands of disabled men who wore the Nation's uniform.

I voted for the bonus bill, because I regarded it as a debt of honor to our ex-service men, long past due, and when it was vetoed by the President, I again voted to pass it, his veto to the contrary notwithstanding.

And in 1936, when as a result of unwise, half-baked, and crackpot legislation, it appeared that the country was about to be plunged into the vortex of another depression, I put aside my personal views and predilections, and supported the four billion eight hundred million pump-priming proposal. The Nation was desperately sick, and along with many others I thought that perhaps an opiate or transfusion might tide the patient over. We all realize now that as soon as the effect of the "shot in the arm" died, the patient relapsed into a worse state than he was before. And now, notwithstanding the fact that this sort of therapy has been proven to be utterly futile, we are asked to repeat identically the same treatment.

We are now, Mr. Speaker, in the midst of what even the wayfaring man knows is a Roosevelt-made depression—far worse than we have ever experienced in the past; and those in authority are prescribing a remedy which has already been thoroughly discredited. We are asked to appropriate another four billion to again prime the pump. I am perfectly willing to vote for any appropriation necessary to relieve human suffering and distress in this country, but I shall not vote one penny's appropriation to again prime the polls. When the "lending-spending" bill was before the House a few days ago I voted to recommit it with instructions to the committee to immediately report back the bill with everything but the relief section deleted.

Mr. Speaker, this orgy of extravagance must cease, else the financial structure of our Nation is bound to collapse and crumble. We already have a public debt of approximately forty billions, and the pending "lending-spending" bill will increase it another four billion. This "lending-spending" bill will cost every man, woman, and child in the United States \$38.50, or \$150 for every family of the Nation. To me it is downright indecent and immoral for us to pile up a debt to be paid or repudiated by our posterity—by our children and our grandchildren. Our Government today is spending \$30,000 every second, \$1,800,000 every hour, more than \$40,000,000 every day, exclusive of Sunday, and yet we are taking in only about one-half that amount. How long do you suppose a businessman could continue to operate on such an idiotic program? [Applause.]

On this point let me introduce to you two very distinguished witnesses. The first witness testified as follows:

Now the credit of the family depends chiefly on whether it is living within its income, and this is so of the Nation. If the Nation is living within its income, its credit is good. If in some crisis it lives beyond its income for a year or two it can usually borrow temporarily on reasonable terms. But if, like the spend-thrift, it throws discretion to the wind, is willing to make no sacrifice at all in spending, extends its taxing up to the limit of the people's power to pay, and continues to pile up deficits, it is on the road to bankruptcy.

Mr. Speaker, who do you suppose it was that gave expression to this indisputably sound doctrine? It was none other than the present occupant of the White House in a speech in Pittsburgh, Pa., while campaigning for the Presidency on October 19, 1932. The second witness:

We have increased, and are steadily increasing, centralization of power in the Federal Government at the expense of the States and to a point that threatens the integrity of State governments. The taxing power, conferred by the people upon the Federal Government for the purpose of raising revenue to defray the expenses of government, and for that purpose only, is being employed for other and different purposes and for a so-called redistribution of wealth, and even at times as a punitive instrument. The farmers of the country are being subjected to regimentation, voluntary perhaps, consent being obtained by means of bonuses and subsidies out of the Federal Treasury, on the one hand, and penalties, on the other hand, but regimentation nevertheless. The rapid multiplication of bureaus and agencies removed from popular control are asserting supremacy over every phase of private business, and competition between private industry and the Government continues to increase.

These are the realities that we face today. These are not the principles and methods of democracy.

It has been abuses in the body politic and sudden demand for immediate remedial policies that have resulted in the substitution of the totalitarian state for democracies—

Says this witness. And then he adds—

but while even social and economic benefits have resulted temporarily, they have been accompanied in most cases by ruthless disregard of the people's liberty.

If these rapid and radical changes in the fabric of our Government prevail—

Says the witness—

our democracy and our liberties are threatened. Let us turn back before it is too late.

Who do you suppose, Mr. Speaker, uttered this perfectly sound and patriotic sentiment? It was none other than a great Democrat from one of our New England States, Senator DAVID I. WALSH, of Massachusetts.

#### THE COMMITTEE ON RULES

Mr. Speaker, in recent weeks, due to a campaign of malicious propaganda, we have heard much about the autocracy of the Rules Committee of the House. It has been execrated, tiraded, and all but burned in effigy by people, many of whom know nothing whatever of its functions. The impression is widespread that no bill can possibly get on the floor of the House unless this committee gives it the right-of-way. Of course, nothing could be further from the truth. The action of the Rules Committee on the Norton wage and hour bill was clearly within its jurisdiction, as was conceded by the President in his extraordinary message to the chairman of the committee, which was dispatched to her while the President was on one of his customary fishing excursions in the Caribbean. This action of the committee was not different from its action in hundreds of similar cases in the past. As a matter of fact, there are now pending before the Rules Committee numerous applications for rules for the consideration of measures of every kind and character, many of which will never be reported. While one of the functions of the Rules Committee is to aid the House in the facilitation of legislation, it is also a buffer for the House to protect it against unsound and useless legislation. If the Rules Committee reported out a rule on every application that is made, it would lead to all sorts of abuses and confusion.

The Labor Committee did not have to come to the Rules Committee for a rule for the consideration of its bill. Calendar Wednesday is specifically set apart for the use of

legislative committees in bringing their bills to the floor. The Labor Committee has had repeated opportunities to avail themselves of Calendar Wednesday, but it appears that they had a grievance against the Rules Committee and wanted to make this committee the goat.

Mr. Speaker, the Rules Committee is a sort of wailing wall for the Members of the House. When an application is made to this committee for a rule to consider some piece of legislation that is highly controversial, Members of the House who do not want to be placed on the spot come and fall upon the shoulders of the Rules Committee and weep even as they did back in ancient Jerusalem, and say, "For heaven's sake, don't let this bill out."

The wage and hour legislation has in no sense suffered or been jeopardized by the action of the Rules Committee. Wage and hour legislation was fully considered by the House last December, when by an overwhelming vote the bill was turned down and recommitted to the Labor Committee.

Misrepresentation never serves a good or useful purpose. "Truth crushed to earth will rise again."

Mr. Speaker, I appreciate the indulgence which the House has shown me today, and I sincerely hope that when the wage and hour bill comes up next Monday we may have enough legislative wisdom to work out something that will neither penalize nor jeopardize either the industry or the working people of this country, but on the contrary something that will be mutually helpful to both. [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include therein a short editorial.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DRIVER. Mr. Speaker, the question was raised by the distinguished minority leader of the change in the policy contained in this bill from that defined in the act of 1936, and I believe there should be some expression on the desirability of making that change and the effect it will have on the existing law.

Let me say at the beginning that no change whatever is proposed in this bill from the policy laid down in all former flood-control acts of the Congress with respect to the acquisition of land, flowage rights, and rights-of-way, and the maintenance of the levee and sea-wall structures when completed. Just the same element of damage and the same local contributions are provided here as were contained in the former law. However, the act of 1936 provided for the construction of reservoirs. We attempted to construct reservoirs under the provisions of that law but failed. The nature of reservoir construction is such as to defeat entirely the hope of securing relief under the measure of contribution required by the former law. Reservoirs provide no measure of protection to the people and property in their immediate vicinity. Reservoirs are designed to protect the areas where the flood effect is manifested, on lands and industrial centers on the streams.

I offer this illustration to convince you it is a matter of impossibility to construct under the definition of local duty insofar as reservoirs are concerned. In the Ohio River Valley and on the Little Miami River, a reservoir is proposed that will affect the Ohio River flood heights. The engineers estimate the reservoir will cost \$2,720,000 and the local land values involved are estimated at \$870,000. Hurrying from that, we go to the Brookville, Ind., dam, where the estimated cost is \$4,362,000 and the land values are estimated at \$1,561,000; go to Pennsylvania, and we find that the Breckenridge Dam is estimated to cost \$4,168,000 and the value of the land involved is estimated to be \$1,089,000; Riverview, W. Va., where the dam is estimated to cost \$5,610,000, and the value of the land is estimated to be \$1,145,000. The cost of the lands that go into the reservoir projects is so far beyond the estimated cost to the local interests for levees and floodwalls and other types of flood-protection works that the people in the reservoir areas must have this modification

of the law or it will be impossible to provide the security necessary.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DRIVER. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. Is it not also true that when these reservoirs are built the most valuable land is inundated, and the land that is left, to which benefits may apply, is the land that is practically unadaptable to any use?

Mr. DRIVER. The gentleman is correct. The reservoir is destructive of local values rather than beneficial.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—RELIEF OF A. R. WICKHAM (H. DOC. NO. 656)

The SPEAKER laid before the House the following veto message from the President of the United States:

*To the House of Representatives:*

I return herewith, without my approval, H. R. 5056, entitled "An act for the relief of A. R. Wickham."

The enactment provides that the said A. R. Wickham, whose official records show that he served in the Army during the World War from July 26, 1917, until he was honorably discharged April 15, 1919, and that he again enlisted on July 1, 1920, and was dishonorably discharged May 6, 1923, from service in the United States Army pursuant to the sentence of a general court martial, shall be held and considered to have been honorably discharged from the military service of the United States on May 6, 1923, and that no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

I cannot feel that the circumstances disclosed, in view of the precedent which would be set up, are sufficient to justify the approval of the act.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, May 19, 1938.

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. MAY. Mr. Speaker, I move that the bill and the message of the President be referred to the Committee on Military Affairs and ordered printed.

The motion was agreed to.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—SPECIAL-DELIVERY MESSENGERS (H. DOC. NO. 657)

The SPEAKER laid before the House the following veto message from the President of the United States:

*To the House of Representatives:*

I return herewith, without my approval, H. R. 2006, Seventy-fifth Congress, entitled "An act to permit certain special-delivery messengers to acquire a classified status through noncompetitive examination."

The provisions of this bill are objectionable for the following reasons:

First. Because it would give recognition only to special-delivery messengers who have had 5 years' continuous service on the date of approval of the act, thus arbitrarily excluding other messengers of equal or greater qualifications who have had a total noncontinuous service of more than 5 years;

Second. Any messengers who may have had 5 years' continuous service on the date of enactment would be permitted to take a noncompetitive examination only upon the written recommendation of the postmaster at the office at which he is employed, thus giving the postmaster the authority to prevent a messenger from taking examination without referring the case to the Postmaster General for consideration;

Third. Upon having taken the noncompetitive examination for substitute clerk, carrier, or laborer, and having passed such examination, the bill would make it mandatory that

such messenger be retained in the Special Delivery Service until such time as there may be a vacancy in the substitute quota, regardless of whether his service is needed or is satisfactory; and

Fourth. Upon having passed the noncompetitive examination and a vacancy having occurred in the substitute quota, the messenger would be placed at the foot of the substitute roll, thus giving such messenger priority over eligibles, including those having veterans' preference credits, on the competitive eligible register of the Civil Service Commission.

I regret the necessity for withholding my approval of a measure which would provide an opportunity for qualified special-delivery messengers to obtain through noncompetitive examinations a civil-service status; but I do not feel, for the reasons which I have set forth, that I would be justified in approving it. I hope, however, that the Congress will soon pass legislation that will provide a better opportunity for all qualified persons now in the Special Delivery Service of the Post Office Department to acquire a civil-service status.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, May 19, 1938.

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. ROMJUE. Mr. Speaker, I move that the bill and the message of the President be referred to the Committee on the Post Office and Post Roads and ordered printed.

The motion was agreed to.

#### EXTENSION OF REMARKS

Mr. FULLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address I delivered at the dedication of the land-utilization project at Wedington Lake, Washington County, Ark., on the 30th of last month.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WHITE of Idaho. Mr. Speaker, the United Press has been distributing generally over the country editorial comment on the present system together with a suggested remedy. I ask unanimous consent to extend my remarks in the RECORD and include therein that short editorial, together with my idea of the necessary corrections, printed in parallel columns.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

#### FLOOD CONTROL

Mr. WHITTINGTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10618) to authorize the construction of certain public works on rivers and harbors for flood control, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10618, with Mr. UMSTEAD in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

COMPREHENSIVE FLOOD-CONTROL PLANS AND WORKS FOR RESERVOIRS, LEVEES, AND FLOOD CONTROL

Mr. WHITTINGTON. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, for 4 successive years there have been great floods in the United States. Public attention has been focused upon the problem, and the country demands legislation for flood protection. Floods cannot be prevented, but they can generally be controlled.

To me there is a charm about rivers; there is a fascination about lakes; there is an attraction about harbors. Lands appeal to me. Man, waters, and lands must dwell together.

In the act of June 22, 1936, Congress established a national policy of flood control and effected a beginning of improvements to accomplish the national purpose. The act was a good beginning, a step in the right direction, but it has not met the general demand. Under the policy, flood-control works, including levees and river walls for downstream protection and reservoirs for upstream detention, were placed under the Corps of Engineers of the United States Army. Water retardation, soil conservation, and reforestation were placed under the Department of Agriculture. Downstream works have been supplemented by upstream improvements. The Department of War and the Department of Agriculture have cooperated; their work has been coordinated. No new agencies have been established, but existing agencies familiar with the problems involved, that have devoted years to studies and investigations, as well as to the construction of works, were thus utilized in the policy declared in the act of 1936.

#### FLOODS

Floods are not new; they are among the oldest and most powerful of natural forces. There is just as much rain and just as much stream flow and there are just as many floods as there were thousands of years ago. Man has been harassed by floods in all ages. There are records of historic floods in Europe and Asia in modern times.

The first civilized man ever to behold the Mississippi River saw the greatest of rivers at its worst. There was no civilization then; there were no farms to be devastated or cities to be destroyed. Two of the greatest floods along the Mississippi River occurred in 1785 and in 1844.

Dust storms are not of recent origin. Geologists tell us that the soil of the eastern Central States from a few inches to several feet in depth is simply an accumulation of the dust storms of the past.

But civilizations have perished because lands were abused. It is said that the Sahara Desert in the long ago was inhabited and cultivated but the misuse and abuse of land converted that broad expanse into a desert of sand.

Soil erosion has been going on for ages. The Lower Mississippi Valley was formed by the erosion of soils. The Gulf of Mexico in prehistoric times extended to the city of Cairo at the mouth of the Ohio River. As a result of erosion the Lower Mississippi Valley was being formed and the mouths of the Mississippi River are still being extended out into the Gulf of Mexico at the rate of about a mile in every 21 years.

But our lands are being needlessly eroded and our forests are being ruthlessly destroyed. The clearing of forests and the construction of canals, as well as the plowing of grasses and the cutting of trees have contributed to increased flood heights.

While floods are not more frequent than formerly, the hazards are more numerous and the destruction much greater. The population of the United States has increased from 3,000,000 to 130,000,000. The fields and the factories of America surpass those of any other nation. In the early days the damage from floods were not so large as they are now; the ravages have increased because of the development along the rivers. These damages during the past 100 years will fade into insignificance compared with the damages that will occur in the next hundred years to our valleys with their increased population and industrial development. There is a reason for settlement along rivers. Proximity to water is essential to the developments that provide for labor and the means of earning a living. Throughout the centuries man has dwelt in the valleys and settled along the oceans and the gulfs.

#### FLOOD CONTROL AND NAVIGATION

The Ohio and the Mississippi Rivers have been improved for navigation since 1824, but prior to 1917 flood control along the lower Mississippi River was incidental to navigation, and prior to 1937 the Federal Government had constructed substantially no flood-control works along the Ohio River.

## NATIONAL PROBLEM

In 1917 and again in 1923 Congress authorized appropriations for flood control, as well as navigation, along the Mississippi, but the flood of 1927, the worst in modern times until then, resulted in the passage of the Flood Control Act of 1928, which declared that flood control along the lower Mississippi River was a national problem.

The 1935 floods in New England, New York, and Pennsylvania; the 1936 floods in the upper Ohio River and the 1937 flood in the lower Ohio River, the highest in the history of the valley; the 1937 flood in the lower Mississippi River from Cairo to the mouth of the Arkansas, the highest of record; and the Los Angeles floods of 1938 have crystallized public sentiment that flood control along the major rivers of the United States is no longer local but a national problem.

## INVESTIGATIONS

Congress has foreseen the necessity for flood-control works. Some 10 years ago provision was made for thorough investigations for flood control, navigation, power, and reclamation. The Corps of Engineers of the United States Army were directed to report on the principal streams of the country. They have made the most comprehensive surveys and investigations of the water resources of the country ever undertaken. At a cost of more than \$12,000,000, more than 200 streams have been studied for flood control, irrigation, navigation, and power. The Corps of Engineers were thus prepared to recommend projects to prevent a recurrence of destructive floods along the Connecticut, the Merrimack, the Susquehanna, the Monongahela, the Allegheny, and Ohio Rivers after the floods of 1935 and 1936. Following the flood of 1937, the Corps of Engineers submitted a comprehensive plan of flood control for the Ohio and Mississippi Rivers and their tributaries.

On August 28, 1937, Congress provided for emergency construction in the lower Ohio River Basin and authorized approximately \$25,000,000 to be expended in the lower Ohio River in the fiscal years 1938 and 1939. The comprehensive program along the Ohio and its tributaries and along the Mississippi and its tributaries was continued until the present session of the Congress.

## COMPREHENSIVE HEARINGS

The House Committee on Flood Control conducted hearings from March 30 to April 19, 1938. They are entitled "Comprehensive Flood Control Plans." They cover substantially all of the drainage basins in the United States. All advocates of flood-control projects were heard. Sponsors and advocates of projects came from all parts of the country, from Boston to Los Angeles, and from Portland to New Orleans. These hearings constitute complete information respecting flood control in the drainage basins of the United States.

It was announced at the conclusion of the hearings that the House Flood Control Committee would formulate a bill and that this bill would include only plans and projects recommended by the Chief of Engineers and that the committee would undertake to authorize the initiation and construction of projects authorized to cost approximately \$300,000,000.

The bill under consideration approves the general comprehensive plan of each drainage basin considered, but authorizes only enough money to initiate the more important projects in such drainage basins. This procedure insures that the works authorized will fit in with the comprehensive plans and avoids the necessity of delaying the urgent improvements until enough money can be authorized to cover the costs of the complete plans.

## LOCAL CONTRIBUTION

The principle of local contribution in improvements which benefit local interests has been recognized in Federal legislation and this principle is retained in the bill. Local cooperation as provided in the act of June 22, 1936, which also obtains along the Mississippi River, is continued in the present bill. The yardstick is the same.

Under the act of June 22, 1936, and under all existing local flood-control legislation along the Mississippi and other rivers in the United States, the local interests are required to furnish lands, easements, and rights-of-way for flood walls and levees, as well as for reservoirs. The terms "lands, easements, and rights-of-way" embrace lands on which dams are located, lands or flowage rights in the reservoirs, and highway, railway, and utility relocations. It has been generally conceded that unless local contribution is materially modified and unless the United States assumes additional costs respecting reservoirs, additional reservoirs, except in a few areas, will not be constructed.

The committee gave intensive study to the question of local contribution. It has decided upon a yardstick that can be applied to all projects without fear or favor. It has been determined that in general local interests should handle the acquirement of lands and rights-of-way because it will be more economical to the Public Treasury. In order to enable the local interests to meet the requirements as to acquirement of lands, easements, and rights-of-way for reservoirs, the bill provides that they shall be reimbursed 70 percent of their actual expenditure for such purposes. This yardstick applies to individual projects and under the terms of the bill it will apply to projects previously authorized, as well as to new projects authorized in the bill.

## ERRONEOUS VIEWS AND VISIONARY SCHEMES

There is much misinformation respecting floods and the solution of the flood problem. Probably the most erroneous statement I ever heard came from a lawyer in the lower Mississippi Valley whose law office was located on the landside slope of the Mississippi River levee. His theories were fine spun and his notions were most weird; his remedies for flood control were utterly unsound.

There is no single answer to the problem of flood control. Soil erosion should be prevented; soil conservation should be practiced; waters should be stored; forests should be preserved; grasses should be grown; cities should be planned, and water power should be generated. All possible solutions must be explored and utilized. Levees and floodwalls are essential; reservoirs are imperative. Projects often involve levees, channel improvements, and reservoirs. Such a policy obtains in the Miami conservancy district in Ohio. The outstanding reservoirs for flood control in this or any other country have been constructed along the tributaries of the Muskingum River in Ohio, but dams alone will not do the job. It is wise to protect the valleys of the tributaries by reservoirs, but local protective works are imperative. Wise plans give to reservoirs their proper place in flood control. A dam with no head of water cannot generate electricity. Reservoirs generally to be effective for flood control must be empty, or relatively so, at the beginning of the season.

In some cases flood control and power can be provided for in the same reservoir. This is notably true at Boulder Dam and along the Red River near Denison, Tex. This is also true along the White River, but generally, as I have stated, and especially east of the Mississippi River, power and flood control in the same reservoirs are incompatible.

Many visionary schemes have been proposed. They all have one thing in common; they show that the authors utterly fail to comprehend the real problem of flood control. They have, for instance, no conception of the problem along the Ohio and Mississippi Rivers. There the great problem is to carry in the lower Mississippi River two and a quarter million cubic feet per second, representing the combined flows of the Mississippi and Ohio Rivers, and representing more than 20 times all of the water flowing over Niagara Falls. In 1937, at the crest of the great flood at Cairo, 1,900,000 cubic feet per second went by along the Ohio. During the 50 days the river was above flood stage there were 80,000,000 acre-feet of water in excess of the below-flood flow of the river. This amount staggers the imagination. If poured into an inland depression with an average depth of 20 feet, it would make a pool two-thirds the area of Lake Erie. The water which the Ohio River dumped into

the Mississippi River in January and February in 1937 would fill 100 reservoirs the size of the District of Columbia to a depth of 20 feet. The District has an area of 70 square miles. Boulder Dam would have been filled three times over and there would have been an excess that would have covered the District of Columbia 156 feet deep.

#### IMPROVEMENTS

While floods obtain in all countries, while the problem is not new, while the solutions are well known, the flood-control works heretofore authorized in the United States have demonstrated the wisdom of Congress in adopting a national flood-control policy. Floods know no State lines; they have no regard for the inability of the local citizen to pay. The losses must ultimately be absorbed by the Nation. The country demands at the hands of Congress a comprehensive plan for the control and regulation of floods in the principal drainage basins of the United States. [Applause.]

The levees in the lower Mississippi Valley contain more than 600,000,000 cubic yards of earth. They are the greatest marks ever made on the face of the earth by man. They are longer and higher than the Great Wall of China; they contain twice the yardage of the Panama Canal.

I have stated that there is definitely a public sentiment that the present session of Congress should pass a national flood-control act. Existing flood-control legislation should be enlarged and expanded. Provisions should be made for the protection of the Ohio and other river basins. The industries along the Ohio and its tributaries exceed those on any other river in the United States or any other country. That development must not be retarded or destroyed.

There were floods along the Ohio River when Columbus discovered America, when Yorktown fell, and there were destructive floods in 1937. There were great floods along the Mississippi River when De Soto was buried in its bosom in 1543. There have been great floods along all of the principal rivers of the country.

The public knows the loss of life and the staggering havoc wrought by recent floods. The story of death and destruction should appeal to Congress as it has appealed to the country.

I am an advocate of public improvements. I favor works that are beneficial. We are still battling with the problem of unemployment. I believe that one of the best ways to solve the problem is to provide for sound and adequate public works.

It may be necessary to shift the populations. The trans-continental railways were not constructed, following the War between the States, by those who dwelt on the plains or in the mountains. Laborers were transported for the work.

If it is proper to attribute the depression and the recession to the lack of business leadership, it is not improper to charge that protection from the floods of recent years is due to lack of political leadership. We had the money and we had the men—15,000,000 of them begging for work, and we did not do the job.

The processes of nature are similar through the ages. The best description of the flood cycle to be found is contained in the seventh verse of the first chapter of Ecclesiastes:

All of the rivers run to the sea; yet the sea is not full; unto the place from whence the rivers come, thither they return again

Every civilization stands or falls according to its ability to utilize and conserve the forces of nature. Waters are not the enemy but the friends of man. All water falling as rain by little streams and big streams must find its way to the sea; it is there evaporated, carried by the winds over the hills and the valleys of the country, condensed into clouds, and falls again as rain to complete the cycle that has been going on for ages. If that cycle fails, men die; if that cycle continues, men live. The forces of nature must conserve the needs of man.

#### A POLICY AND A PROGRAM

The problem has been attacked on all fronts. Flood walls and river walls are authorized for priority works. Reservoirs on the headwaters are authorized to detain the waters at

their source. Wherever power can be developed in this, as in the act of 1936, provision is made for such power. Only two of the dams in the pending bill provide for the development of power. These are at Bluestone, in West Virginia, and Denison, in Texas. The title to these dams will be in the Federal Government. The natural resources of the United States should be utilized for the benefit of the people of the Nation.

I call attention to the fact that all projects for local protective works and all reservoirs that may be constructed are contained in the plan and documents mentioned and are set forth in the analysis of the bill in the report of the committee. The projects are to be selected by the Chief of Engineers, but he is confined in all of the drainage basins to the projects set forth in the hearings and specifically named in the report of the committee.

Authorizations are made for local protective improvements and for reservoirs in the principal drainage basins of the United States. It is contemplated that priority projects will have first consideration.

As I have stated, no change is made in the local contribution provided by existing law with respect to levees and flood walls. The bill reduces the local contribution for reservoirs by providing for reimbursing the local agencies 70 percent of the actual cost of the lands, rights-of-way, and easements, including railway, highway, and utility relocations.

Under existing law it is well to keep in mind that the percentage of the costs of local contribution in the case of levees and flood walls is materially less as compared with the costs of construction in the case of reservoirs. The benefits from reservoirs are more widespread; in many cases the benefits cover several States. Moreover, the local contribution varies in the several drainage basins of the United States. In the narrow valleys of the Northeast and the East the costs of relocating railways is expensive.

As stated, the bill reduces the local contribution for reservoirs by 70 percent. This applies to the reservoirs previously authorized, as well as to reservoirs under the pending bill. Some 44 reservoirs were previously authorized. Not more than six or eight are under construction and none has been completed. It was felt that inasmuch as the policy of reservoirs had but recently been adopted by the Congress, all should be treated alike.

There is a definite plan for each of the drainage basins in the United States. The projects authorized will fit into that plan. The bill contains only authorizations to initiate the plan by the construction of the works named. Funds cannot be diverted from one drainage basin to another; they must be spent in the basin where authorized or not spent at all. They will benefit the so-called New England reservoirs. The compacts have not been approved by Congress. This is not the time or occasion to go into details. The reservoirs recommended are primarily for flood control. A choice must be made. If the reservoirs are to be for flood control, the generation of power would be expensive. I believe it is possible for the New England reservoirs to be constructed because of the reduced local contribution under the terms of the pending bill.

Article 1, section 10, paragraph 3 of the Constitution of the United States provides that no State shall enter into any compact or agreement with another State without the consent of Congress. Unless so approved the compacts are unenforceable. There is no other civil and there is no criminal penalty provided.

Billions are being made available for unemployment. Some of the works previously authorized will never be constructed. More than half the amounts authorized under the act of 1936 have been appropriated, including the appropriations tentatively agreed upon for the next fiscal year. The need is for additional authorizations. Previous relief and emergency appropriation acts have provided that only flood-control projects approved by the Congress and recommended by the Chief of Engineers may be constructed out of such funds.

[Here the gavel fell.]

Mr. KELLER. Mr. Chairman, I hope the gentleman will take more time; his statement is very informative.

Mr. WHITTINGTON. I hesitate to take any more time; however, at the gentleman's suggestion I yield myself 5 additional minutes to make a brief analysis of the bill.

*ANALYSIS OF THE BILL*

As I have stated, the report of the committee on the pending bill contains a comprehensive analysis of each section of the bill. For the benefit of the membership of the committee I summarize the analysis.

*Section 1—Policy*

Section 1 contains the declaration of policy respecting flood control and provides for investigation, planning, and prosecution by the Corps of Engineers of the United States Army of flood control and allied works.

*Section 2—Local cooperation*

Section 2 amends section 3 of the act of June 22, 1936, so as to provide for a reduction of the local contribution required by the terms of that act for reservoirs. The contribution required will be 30 percent of the requirement of the act of June 22, 1936. It will be easy to determine the costs of local contribution respecting any reservoirs authorized by figuring 30 percent of the estimated costs of the lands and damages, as shown by the report of the committee. Under existing law the percentage of local contribution for reservoirs is much larger than for local protective works. Unless the Federal contribution is materially liberalized flood control by the construction of reservoirs will be long delayed. The bill provides that at the request of the local interests the Federal Government will maintain the reservoirs. This is a proper provision. The works are important. The maintenance can be better carried on by the Chief of Engineers than by the local interests.

*Section 3—Evacuation of communities*

Section 3 of the bill provides that where the construction costs of the levees or flood walls in any project can be reduced by evacuation, the Chief of Engineers may provide for such evacuation.

*Section 4—Works authorized*

Section 4 continues the provision for pen stocks in the reservoirs authorized and provides for the flood-control works therein mentioned. I have already emphasized that provision is made for authorizations in each drainage basin. The amounts authorized cannot be transferred to another basin. Local protective works are supplemented by reservoirs. The projects are to be selected by the Chief of Engineers. Pen stocks are provided in the reservoirs where power may be developed. Provision is thus made for the development of hydroelectric power where practicable.

*Section 5—Cooperation with other organizations*

Section 5 authorizes cooperation with institutions, organizations, and individuals and provides for the utilization of Federal, State, and other public agencies. This authority is similar to that given other governmental departments and bureaus in the performance of similar duties.

*Section 6—Preliminary examinations and surveys*

Many Members of Congress have introduced bills for surveys. Instead of reporting individual bills, section 6 authorizes all of the surveys where bills have been introduced or where surveys have been requested and the requests have been approved by the Chief of Engineers. The information is essential as a guide to Congress in enacting authorization legislation; moreover, it is beneficial to the country.

*Section 7—Run-off and water-flow retardation and soil-erosion prevention*

Section 7 authorizes conservation works by the Department of Agriculture; they supplement the flood-control works constructed under supervision of the Chief of Engineers.

*Section 8—Weather Bureau flood information service*

Section 8 authorizes not to exceed \$375,000 per annum for additional flood warnings by the Weather Bureau. These warnings are essential to protect life and property.

*Section 9—Total authorization*

Section 9 authorizes \$375,000,000 to be appropriated over the 5-year period for carrying out the authorized flood-control improvements and authorizes \$10,000,000 for investigations and surveys.

The bill provides the most comprehensive policy and program for flood control ever submitted to the consideration of a parliamentary body in human history. [Applause.]

Mr. ENGLEBRIGHT. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the bill under consideration, in my opinion, is the most comprehensive, practical, and carefully prepared flood-control measure ever presented to this Nation. It establishes a policy for the systematic attack of the flood-control problem in all its various ramifications and authorizes sufficient money to initiate the more urgent projects. The bill approves a general coordinated plan of flood-control work for each drainage basin that has been considered and authorizes sufficient money for the primary problems of each drainage district. Thus the work authorized will dovetail into the general comprehensive plan for each drainage basin and avoid the delay of important projects until all of the money for the entire comprehensive plan of each drainage basin can be authorized. It gives sufficient money for the institution of what might be called the emergency work. This is a sensible, reasonable policy, followed in all undertakings of large nature, either by private or public moneys. In the consideration and preparation of this bill the committee held hearings for approximately 3 weeks and covered the major drainage basins of the entire United States. The committee heard something like 200 witnesses, in addition to reviewing the reports of the Corps of Engineers. These witnesses included Governors of States, professors, presidents of colleges, Members of the House and Senate, mayors of cities, flood-control commissions, levee commissions, and experts of various kinds who had knowledge and could give information on the great problem that we had under consideration.

Mr. Chairman, too much praise cannot be given to the gentleman from Mississippi [Mr. WHITTINGTON], chairman of the Flood Control Committee, for his fine work on the pending measure. During the hearings it was demonstrated that he was familiar with every individual project that we had before us. His knowledge is equaled or excelled only by the engineers actually in charge of the projects. The entire committee worked with a great deal of diligence on the measure. Though we differed sharply at times in our opinion concerning the policy to be written into the bill, the meetings were harmonious and we arrived at our conclusion according to our individual and collective best judgments.

The bill that you have before you contains projects approved by the Chief of Engineers that are considered to be the most urgent and necessary projects to be constructed in the immediate future. This measure represents the combined and honest judgment of your committee and deserves the support of every Member of this House. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. ZIMMERMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. FERGUSON].

Mr. FERGUSON. This bill represents hours of testimony from witnesses all over the United States and from all the Army engineers in the various districts and from the Department of Agriculture. To my knowledge the gentleman from Mississippi, the chairman of this committee, has devoted many, many hours to this legislation. This bill is a glorious tribute to the ability and industry of the chairman of the Flood Control Committee.

This bill is the product of concessions made by every member of the committee and by the chairman himself. We adopted a very strict rule that no project without the recommendation of the Chief of Engineers should be included. This rule was religiously followed.

Mr. Chairman, the flood-control bill now before us is the Flood Control Committee's answer, and I hope it will be the

answer of Congress, to people who have accused the Congress of being derelict in its duty in providing flood-control works which will prevent the disasters which have wrecked this Nation for many years and recently caused tremendous destruction in New England and in the Ohio Valley. Many people have been prone to say that the flood-control program of the Congress has been a hit-or-miss proposition, authorizing projects only because some Member of Congress or some locality put on more pressure than another.

Mr. Chairman, a study of this bill will prove that this is not a hit-or-miss measure, that the Congress has answered the request for adequate flood protection and that a comprehensive plan for every one of the valleys included in this bill is authorized and can be started under the present authorization. Certainly this Congress that has been so liberal in the appropriation of relief funds can take no better action that would be as beneficial to the country as authorizing these projects, which will afford flood protection and provide work. When the money is spent we will have a credit item on the side of the public ledger that shows so much deficit after all these relief appropriations. The Congress should realize it is not how much this Nation goes in debt but how much is added to the national wealth by the money spent.

Every one of these projects when completed means that towns will be protected, that farm lands which were previously subjected to continuous overflow and destruction will be protected and when the works are completed those valleys and towns will have an increased value. There will be afforded new lines of endeavor, new homes, and a perpetual job following the expenditure of this money. Any relief funds that may be used on these great projects will not only afford employment on the immediate project but will provide future employment.

Mr. REES of Kansas. Will the gentleman yield?

Mr. FERGUSON. I yield to the gentleman from Kansas.

Mr. REES of Kansas. Does the gentleman from Oklahoma have in mind we could use some of the funds appropriated for W. P. A. work on these projects?

Mr. FERGUSON. Undoubtedly under the joint resolution passed by the House which provides specifically that \$575,000,000 may be used for flood control and other purposes. Relief funds may be used for that purpose.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. FERGUSON. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. I may say in this connection that the pending bill contains the provision with respect to flood control and the previous relief and emergency acts provided that the expenditure would be limited to those projects approved by the Congress; hence the necessity for passing this bill, so that provision may be made for the construction of these projects.

Mr. FERGUSON. I thank the gentleman for his contribution. Money from the relief funds cannot be spent unless the projects have been authorized by the Congress.

The Flood Control Committee last year brought in a bill authorizing the construction of flood walls in the Ohio Valley on which considerable relief funds were spent.

[Here the gavel fell.]

Mr. ENGLEBRIGHT. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. CARLSON].

Mr. CARLSON. Mr. Chairman, the Flood Control Committee brings before the House a bill which I believe is a step in the right direction so far as flood-control and water-conservation legislation in this country is concerned.

Before discussing the bill in detail, I want to pay a compliment to the chairman of the committee. I say, in all sincerity, it has been a pleasure to be a member of that committee and to work with the majority and minority members. We have tried to cooperate in every way we could. Of course, there have been differences of opinion at times, but we have brought to this House a bill on which we are united.

The gentleman from Mississippi [Mr. WHITTINGTON], in my opinion, is an outstanding authority on the watershed

problems of the United States. I contend the Congress and the Nation is fortunate in having his services at a time when we are considering this legislation. It has been a hard and tiresome job. The committee started holding hearings on March 30 and continued every day until April 19.

We have compiled for the House and for the country, in my opinion, the most elaborate hearings and most available data on the watershed problems of the United States that have ever been compiled. Our committee heard from the War Department through the Chief of Engineers and the division engineers. We heard representatives of States, Governors, and chambers of commerce—in fact, it seemed that we heard everyone who wanted to be heard on this great national problem. We heard from the Department of Agriculture, having in mind that under the act of 1936 it was given control of watersheds, water run-off, and water retardation.

At a time when our Federal Government is contemplating a public-works program, I want to call the attention of the House to the large amount of direct labor that may be secured in flood-control projects. The 14 reservoir projects within the Muskingum Conservancy District have been completed and Col. Joseph D. Arthur, district engineer at Zanesville, Ohio, testified before our committee regarding the amount of labor in these projects. Thirteen of these dams were of earthen construction and one concrete. It was interesting to note, according to the testimony found on pages 154 and 155 of the hearings, that 47 cents out of every dollar spent for the construction of the earthen dams went for direct labor and 49 cents out of every dollar spent for the construction of the concrete dam was spent for direct labor. I am asking permission to include in the revision of my remarks a short statement from the hearings in regard to Colonel Arthur's testimony in the RECORD.

Mr. SECRET. There is one thing further I would like to bring out at this point. I think in considering any public-works program Congress is vitally interested, especially at this time, in the amount of this money which will go to direct labor primarily, and secondly, to indirect labor.

In our hearings on highway legislation, the Chief of the Bureau of Public Roads stated:

We have broken down \$76,000,000 worth of work, which we think is a fair sample, and on that \$76,000,000 worth of work the wages of direct labor amounted to 35 percent, which is a fairly high average for highway work.

Mr. SECRET. Inasmuch as you have expended some \$24,000,000 in flood-control work, do you have any estimate as to how much of that money went for direct labor?

Colonel ARTHUR. I have had a very complete and accurate tabulation made on the cost of 14 dams which have been constructed, and it shows that for every dollar spent 47 cents was spent in direct labor. That is the average for the 14 dams, which included 13 earthen dams and 1 concrete dam.

Mr. SECRET. That is 12 percent higher than the highest estimates made for road-building purposes, and I think it is essentially important.

You constructed 1 concrete dam of great size, and 13 earthen dams. Was there any difference in the amount of money which went for direct labor on the two types of construction?

Colonel ARTHUR. Strange as it may seem, the results show that a greater percentage of the total cost of the concrete dam went to direct labor than was the case in the earthen dams, the respective figures being 49 percent and 47 percent.

In the bill we are reporting only such projects as have had the approval of the Chief of Engineers have been included. In fact, they have made extensive plans, surveys, and recommendations on every project. The Members of this House can well understand what a problem confronted the committee. There are, no doubt, hundreds of worthy projects in the United States which are not as yet approved by the Chief of Engineers, either because surveys have not been completed or because of a change in some of the engineering plans. These projects will and should be considered in legislation in future sessions of Congress.

The Flood Control Act of 1936 laid down a policy whereby Congress placed flood control and allied works in the War Department, to be administered by the Corps of Engineers, and it placed such related problems as water run-off and water retardation in the Department of Agriculture. The

main function of this program is to promote the conservation and wide use of reservoirs that are national as well as local in character. The Flood Control Act of 1936 provides for local participation in cost and for local operation after the projects are completed. Under this program, which might be classed as "the most beneficial utilization of water resources," it considers the development of flood control and water run-off from the source of a river to its mouth. I believe the time has arrived when our Nation should begin with the development of a program for flood control. This program, which will of necessity be a long-time program, should give consideration to every phase of water run-off. The entire plains region is in need of measures which will bring relief from the more critical conditions caused by floods and droughts. The works of men cannot remove the causes of flood and droughts, but should be directed toward the protection of the people from the destructive effects of them.

The Congress of the United States has not been derelict in its plans for flood control. It has been interesting to follow the history of flood-control evolution in the United States. Prior to 1917 the Federal Government had for some 35 years aided in a small way in the building of levees in the lower Mississippi Valley, and it was not until after the great flood of 1927 that Congress declared that the policy of flood control in the lower Mississippi was a national problem. This legislation was in effect until we adopted the Flood Control Act of June 22, 1936, which act stated that destructive floods were recognized as a menace to national river and flood control on the navigable rivers or their tributaries, including the watersheds thereof, was declared a national policy. Under the policy laid down in that act Congress placed flood control and its allied works in the Corps of Engineers under the War Department, and it placed such related problems as water run-off and retardation under the Forest Service and Soil Conservation Service in the Department of Agriculture. It is now approximately 2 years since enactment of that legislation. The national flood-control policy has been approved, and we now come before Congress with a bill that we believe suggests improvement over that legislation. During the 2 years since enactment of the 1936 act, Congress and the Chief of Engineers have had an opportunity to make thorough studies of some of the weaknesses of the legislation. In the first place, very few projects were constructed under that legislation because the local communities were unable to meet the required costs of local contribution. That act provided that the local communities or political subdivisions thereof must (a) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project, except as otherwise provided herein; (b) hold and save the United States free from damages due to the construction works; (c) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of War.

I am going to talk for a few moments on section 2 of this bill. This is the section that deals with local contributions. This was a controversial issue in the committee. In fact, I believe it was the hardest problem with which we had to deal. There are varying viewpoints on the amount local communities should contribute. There were in the committee, and there are in the House, as you have already heard today, some who contend that the Federal Government should furnish 100 percent of the local contribution. You are familiar with the 1936 act, which provides that the local communities must furnish lands, damages, and rights-of-way. After working several days on this matter there was a division in our committee. I will state frankly I was one who felt we must not get away from the principle of local contributions. I believe it would be a mistake, and, in fact, I was insistent that we have as much as we have in this bill, although there are communities in my section of the country which will never construct reservoirs without this assistance. After days of work and after conferences with the Chief of Engineers, and after having a subcommittee working on the problem for several days, we are reporting to the House this

provision of a 70-30 contribution. In other words, the local communities are to furnish the lands, rights-of-way, and damages, as under the 1936 act, but they are to be reimbursed to the extent of 70 percent. There are several reasons why we should have this legislation. There should be a local demand from any community where a reservoir is constructed.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. CARLSON. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. Is it not true, as was developed by the hearings, that under present law the local contributions required for reservoirs generally are substantially twice the local contributions required for levees and floodwalls?

Mr. CARLSON. The gentleman is absolutely correct.

Mr. WHITTINGTON. Is it not true, may I point out to my colleague, that in many cases the local contribution under existing law varies from 10 to 90 percent of the cost of construction? I call attention in this connection to two outstanding cases. In southern New York the projects authorized in 1936 had a construction cost of approximately \$27,000,000 and the lands cost only \$5,000,000, whereas just across the border, in Connecticut, the reservoir cost \$7,000,000 and the local people were required to put up \$3,500,000. In an effort to iron out some of these discriminations the committee recommended the amendment under consideration.

Mr. CARLSON. I thank the chairman very much.

In that connection, I may say that was one of the problems this committee faced. There are sections in the United States where reservoirs cost enormous sums of money, some because of the value of the land, some because of damage to utilities, and some because of the necessity of relocating highways. Then there are other sections of the United States where the lands are very cheap and where there are no utilities.

You may be interested in knowing the testimony shows it cost \$78 per acre to impound water in the Tygart Reservoir and it cost only \$2 per acre to impound water in the Boulder Dam Reservoir.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. CARLSON. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. I am much in favor of the decision of the committee to reduce the amount of the local contribution, but let us suppose a case like this: I have in mind a community where the people will be required to come forward with probably \$2,000,000 to make up the local contribution. It is impossible for them to do that. This bill provides that the Government shall reimburse them to the extent of 70 percent, but that will not help in their case if they have first to raise the \$2,000,000 with which to buy the land. In that case the land will already have been bought and they will have gone through their worst hardship. What was brought out in the committee, if anything, to indicate whether or not the Government would come forward with part of this money or whether it would stand off and wait until the community got all the land and spent all the money? If the latter is the case it will not help us in many cases.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. CARLSON. I yield to the chairman of our committee.

Mr. WHITTINGTON. This language is so worded that, as a matter of fact, local interests will be required only to put up 30 percent and they can pay it any time. The Government will put up 70 percent as the works progress.

[Here the gavel fell.]

Mr. ENGLEBRIGHT. Mr. Chairman, I yield 5 additional minutes to the gentleman from Kansas.

Mr. CARLSON. This bill that we are bringing to the Committee today contains only projects that are approved by the Chief of Engineers. This does not mean we do not have in the United States a large number of worthy projects, where for one or two or perhaps three reasons they have not been approved by the Chief of Engineers. In the first place,

it may be because they have not completed their surveys or made thorough studies of the project. Secondly, they might have had in mind changing the engineering features of some of the projects, and therefore if you have projects that are not included in this bill do not feel that they are projects that are not worthy of further consideration.

I may say further in this regard that the Chief of Engineers is changing the yardstick which has been used in determining the economic value of reservoirs in the past. In other words, if you had projects that have not met the test in previous years, they might be approved in the future because they are changing their yardstick and giving greater study to the economic value of reservoirs for water conservation and other allied projects.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. CARLSON. I yield to the gentleman from Montana.

Mr. O'CONNOR of Montana. I note on page 5 of the report this language:

Reservoirs on the tributaries are authorized to detain the waters at their source.

The Yellowstone River is one of the two largest tributaries of the Missouri River, and I do not find anything in the bill that would indicate that we are going to have any reservoirs on the Yellowstone River, which would have a great weight and a lot to do with the control of the floodwaters of the Missouri River as they go down through the States of Iowa and Missouri.

Mr. CARLSON. I may say to the gentleman from Montana that each and every project that was in the Flood Control Act of 1936 and every one that has received the approval of the engineers since that time is in this bill, and if his project meets the economic yardstick that the Chief of Engineers has in mind it should be in the act of 1936 or in the bill we have before the House.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. CARLSON. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. And do I understand that there are no projects contemplated in this bill that have not received a favorable report from the Chief of Engineers?

Mr. CARLSON. That is my understanding.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. CARLSON. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. It has been my experience that in almost all of these bills there has been more or less logrolling, and I would like to ask the gentleman whether or not it is a fact that in the hearings on this bill before his committee every part of the country was given an adequate opportunity to come in and present its needs?

Mr. CARLSON. I will state to the gentleman from Ohio [Mr. JENKINS] that not only were they given every opportunity to present their case, but, in my opinion, this is the first bill that divides the authorization by watersheds. In other words, the amount of money listed in this bill for the Ohio River cannot be transferred to the Connecticut or some other river.

Mr. JENKINS of Ohio. I am not a member of the gentleman's committee and I would like to inquire if I would be safe in saying back in my district that when this bill was presented to the Congress every section of the country had been given ample opportunity to present its claim and that the committee gave every section of the country the same sort of treatment?

Mr. CARLSON. And more than that, we approved every project submitted by the Chief of Engineers for the various rivers.

Mr. ZIMMERMAN. If the gentleman will permit, I think the gentleman from Ohio would also be correct in going back to his community and saying that it was not the result of logrolling that this bill was reported.

Mr. ENGLEBRIGHT. And may I say, with the approval of the gentleman from Kansas and the chairman's approval,

that a policy has been established and laid down for a comprehensive plan for each drainage basin, and every portion of the country was considered and the initial money for the project provided in this bill, if it had been approved by the Chief of Engineers.

Mr. CARLSON. That is correct.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. CARLSON. I yield to the gentleman from New York.

Mr. BEITER. I am not a member of the gentleman's committee, but I am a member of the Committee on Rivers and Harbors and I note the statement of the gentleman that no projects were included unless they were approved by the Board of Army Engineers.

Mr. CARLSON. That is my understanding.

Mr. BEITER. The Committee on Rivers and Harbors operates in the same way and unless a project has the approval of the Board of Army Engineers we do not approve it.

I note that you have included in the bill Ellicott Creek, Erie County, N. Y., in my congressional district, and Smokes Creek at Lackawanna, N. Y., which is in the adjoining district. Dollar damage from floods in this area has been very great and I certainly approve the action of the committee in reporting these projects and I shall support the bill.

Mr. CARLSON. Mr. Chairman, I want to discuss the authorization for the Missouri River and its tributaries and call attention to the need therefor.

The Missouri River Basin is one of the large drainage areas of the United States, and because of its great area has practically every variation in moisture as well as climatic conditions. As a large portion of what is known as the Great Plains area is in the Missouri River Basin, I want to stress the need for flood control, water conservation, and a general program for water uses in this Great Plains area. This area includes a section of the United States containing practically the entirety of 10 States, namely, North and South Dakota, Nebraska, Wyoming, Montana, Kansas, Oklahoma, Texas, New Mexico, and Colorado. One-eighth of the total population of the United States, or approximately 15,000,000 people, live in this area. It is largely agricultural and approximately 6,000,000 people in this section live on farms. With the exception of the Cotton Belt, no other section of the United States has such a large percent of its population engaged in agriculture. Taking this section as a whole, 40 persons out of every 100 live on farms. There is not a single State where the ratio is less than 25 to 100, and in the Dakotas the farm population constitutes almost 60 percent of the total. It is apparent, therefore, that the economic and social life of the people on the Great Plains depends to a large extent upon agriculture. The recent years of extreme drought in this area have caused a considerable moving about of its citizens, with population losses reported in some areas and gains in others. The large rural population in this area further accentuates the need for a water-control and conservation program.

As a Representative of the Sixth Congressional District of Kansas, I wish to present the problems and needs of the State of Kansas for flood control and water conservation, and in giving you the problems of Kansas I am giving you the problems of every State in the Great Plains area. In fact, it would include all of that area of the Middle West that has an average annual rainfall of 30 inches or less. Despite the fact that a large portion of our State is listed as semiarid, we suffer severe losses practically every year in some section.

We in Kansas have used a shortsighted policy in dealing with our water problems. We have plowed furrows in our fields, plowed up our meadows, cut drainage ditches, and shortened stream channels. Our State highway department has constructed an excellent highway system, which in reality becomes a drainage system. This carries the water that falls into our rivers and streams as rapidly as possible. These conditions make it necessary that we begin at once a program of water storage and water utilization. The runoff water should be impounded in storage reservoirs, dams,

recreational lakes, and ponds in order to provide water for needed use as well as increasing the ever-lowering water table.

Kansas is already engaged in an intensive water-storage program, the chief purpose of which is to make water available in localities where it is sorely needed in times of drought. About 3,000 ponds and lakes are now under construction or have been completed, but these should be supplemented by an additional multiple-reservoir storage program.

A typical example of the flood loss and water run-off is found in the Kansas River. This stream system has a drainage area of 60,000 square miles comprising the northern half of Kansas, the southern part of Nebraska, and a portion of eastern Colorado, and receives an average annual rainfall of 24 inches. The maximum recorded flow of this stream at its mouth was more than 200,000 cubic feet per second, a flow which caused the loss of 57 lives and property damage at Kansas City alone estimated at \$22,000,000. This flood occurred in 1903. The tributaries of the Kansas River—the Republican, Solomon, Smoky Hill, and Blue Rivers—suffer severe flood losses from time to time. The figures furnished by the United States engineers' office at Kansas City, after assembling all available information on flood volume, inform us that the flood on the Republican River in May and June 1935 was by far the greatest and most destructive flood on that stream in its history. The United States engineers' office estimates a volume flow of 150,000 cubic feet per second near St. Francis in the northwest corner of our State, then this river flows into Nebraska and again enters Kansas in the north-central part. As it crosses the Kansas-Nebraska line near Superior, Nebr., the engineers' office estimated the volume flow at 225,000 cubic feet per second. The height of volume flow was at Holbrook, Nebr., with an estimated flow of 285,000 cubic feet per second.

The loss of life during the 1935 flood on the Republican River was greatest in the upper parts of the valley and Colorado and Nebraska, where the flood occurred at night. A total of 110 lives were lost. The loss of livestock was 20,593, and more than 275,000 acres of farm land were damaged, most of which contained growing crops or hay. Several hundred miles of highway and railroads were destroyed or damaged, also 515 highway bridges and many railroad bridges. A large number of homes were destroyed, Kansas having 1,485 homes and 1,582 buildings other than homes flooded. The financial losses from the flood were enormous, one item being the rebuilding of 40 miles of railroad track on the main line of the Burlington from Chicago and St. Louis to Denver. The Army engineers estimate the 1935 flood loss amounted to \$9,054,000.

The Flood Control Act of June 22, 1936, authorized the construction of a reservoir on the Republican River at Milford, Kans., with a total construction cost of \$14,730,000, flowage and rights-of-way costs of \$6,173,800, or a total of \$20,903,800. This reservoir would have an estimated capacity of 1,170,000 acre-feet, with a ratio of annual benefits of 1:3.61. This reservoir would be very useful in protecting lands and municipalities on the Kansas River from Junction City to Kansas City, but would furnish no protection on the Republican River.

The Army engineers have made preliminary studies on this stream for reservoir sites suitable to control floods. Fifteen of these potential sites have preliminary reports. Two of them are on the main stem of the river, namely, the Scandia and Harlan County sites. Their report shows that the Scandia site is located in Kansas a few miles below the Kansas-Nebraska line. This reservoir has an estimated capacity of 1,000,000 acre-feet with an estimated construction cost of \$25,700,000 and with lands and damages totaling \$2,300,000. Further studies should be made on this reservoir and the one at Harlan with a view of determining whether these reservoirs could be an alternate for the proposed reservoir at Milford. Other sites studied on this stream are Beachers Island, St. Francis, Enders, Red Willow, and Medicine Creek.

The Smoky Hill River rises in northeastern Colorado and flows east and northeast paralleling the southern boundary of the Kansas Basin to unite with the Republican River at Junction City. The Smoky Hill has two large tributaries, the Saline and the Solomon, which rise in western Kansas near the Colorado line. This river has a length of 550 miles and a drainage area of 19,951 square miles, and traverses a section of our State which is subject to very damaging floods. Recent reports received in the Chief of Engineers' office in regard to further studies made on the Kanopolis Reservoir site indicate it will have great local benefits, as well as substantial flood-control benefits on the Kansas River. This reservoir is located on the Smoky Hill River, which is located about 20 miles west and 12 miles south of Salina, Kans. The estimated cost of this reservoir, as furnished by the Chief of Engineers, is \$7,148,700 construction costs and \$1,821,000 flowage and rights-of-way, or a total of \$8,969,700. It will have a capacity of 560 acre-feet and its ratio of annual costs to annual benefits is 1 to 1.77. In addition to this reservoir site the Army engineers have made preliminary studies of sites at Cedar Bluffs, Wilson, Russell, Cawker City, Kirwin, and Webster.

I sincerely hope Congress will vote sufficient funds to carry on further extensive surveys of these and other sites on the tributary streams. The people are becoming water conscious—the power of public opinion is irresistible and will ultimately bring about a solution of this broad national problem. In my opinion it is time that a definite plan be outlined for the conservation and utilization of the water resources of our country and stop this great economic waste.

[Here the gavel fell.]

Mr. ENGLEBRIGHT. Mr. Chairman, I yield the gentleman from Kansas 2 additional minutes.

Mr. CARLSON. Mr. Chairman, I want to conclude by paying a tribute to the Army engineers. It is the one agency that has had charge of this work for many years. In this connection I am happy that the pending bill provides for a continuation of their work on the navigable rivers of the United States and their tributaries.

I trust that the time will never come when any other agency of the Government will be delegated this responsibility. There are several reasons for it, but in the first place they are the engineering force of the United States Army. We ought to use them on these projects during peacetime. It keeps them in shape, so to speak, should we have occasion to use them for national defense. They are well trained; they are qualified for the work; and I am happy to say that the country generally feels that they are free from political pressure; and I hope that will continue as far as this great branch of our Government is concerned. [Applause.]

Mr. WHITTINGTON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. SECREST].

Mr. SECREST. Mr. Chairman and members of the Committee, for as far back as man can remember every river valley in the United States has been harassed with floods at a great loss to the people of that valley and to their property. For many years this situation was considered to be entirely local. Finally, due to the inability of the people along these rivers to protect themselves from floods that came from a source a thousand or fifteen hundred miles away, it became essential that the Federal Government take an interest in this problem. We took an interest in the Mississippi Valley after the great flood down there of several years ago. In 1936 this Congress passed legislation intended to provide reservoirs on the major streams of the country and in that legislation we used a yardstick, requiring the local people to furnish the necessary funds for railroad relocation, highway relocation, for the relocation of public utilities, and the purchase of all lands necessary to the completion of flood-control projects. That bill became a law in 1936, and from that day until this it has scarcely made a single ripple in the problem of flood control. Only one or two sections of this country have been able to meet the terms of the bill, and we faced great difficulty in drawing up that bill to present it to this Congress. After it came here to the floor it was

opened up to many projects that were thrown into it, that had not received the approval of the Army engineers. This time we have attempted to evade any such thing, and we have brought before Congress not only a bill with a very good yardstick that will result in the completion of the reservoirs, but a bill that could not be attacked with this or that amendment which might destroy the bill itself. There is not in this bill a single project that has not been recommended by the Chief of Engineers, and there were many of us on the Flood Control Committee with pet projects of our own, affecting rivers in our individual districts that we would have been pleased to place in the bill.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. SECREST. Yes.

Mr. WHITTINGTON. With the gentleman's permission, I may say that the gentleman himself was vitally interested in a project that had not been reported by the Chief of Engineers, but at the request of the committee he, and at least two other members of the committee, withdrew projects that they sponsored for that reason, and I thank the gentleman as well as my other colleagues who cooperated with the committee so that we could report only projects that had been approved and recommended.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. SECREST. Yes.

Mr. BEITER. I listened this morning to a colloquy between the minority leader and the chairman of the committee with reference to reimbursement of payment by the Federal Government of 70 percent. I could not understand from the colloquy that took place what the Government will be required to pay. Does the Government pay the individual or the State or community a certain amount of money for rights-of-way?

Mr. SECREST. I am about to discuss this new principle as compared with the old.

Mr. BEITER. In certain States as, for instance, the State of New York, the State pays for the rights-of-way. I wondered how that operated in the bill.

Mr. SECREST. Under the present law of 1936 the local interests were compelled to furnish every dollar in connection with the building of a reservoir, except the money used for the actual construction of the reservoir itself, which came from the Federal Government. Under this bill we provide that the Federal Government shall do all of the construction work at Federal expense, and in addition, shall furnish 70 percent of the money required for all other costs. In this we provide that the local people shall do these things and be reimbursed 70 percent of their expenditures. If the highway department of New York goes into a reservoir area and relocates a highway, the Federal Government will reimburse the State highway department 70 percent of the cost of that highway. If a county in New York goes out and buys 1,000 acres of land, the Federal Government will come along and reimburse that county 70 percent of what it paid for the land. The local agency can be a State, or a conservancy district, composed of many counties of a State; it can be a county, it can be a State, it can be any government in existence, excepting the United States Government.

Mr. BEITER. Mr. Chairman, will the gentleman yield further?

Mr. SECREST. I yield.

Mr. BEITER. In the event that the watershed extends over several States, having in mind particularly the lower section of New York State, where the watershed runs into Pennsylvania, what arrangement can be made there? Can they enter into State compacts?

Mr. SECREST. Those States can enter into compacts. Furthermore, in this bill, if we change the yardstick, we make it possible for the people below to be benefited, and they may contribute at their own volition.

[Here the gavel fell.]

Mr. WHITTINGTON. Mr. Chairman, I yield 2 additional minutes to the gentleman from Ohio.

Mr. SECREST. The yardstick that is contained in this bill, in my opinion, will result in the building of reservoirs in every single watershed in the United States where the Army engineers have recommended the building of these reservoirs, and is one of the most important forward steps that has ever been taken by this Congress to the end of controlling disastrous floods.

I want to mention one other thing contained in this bill which to me is one of the most essential that has ever been done by this Congress. The bill states that there is hereby authorized to be expended not to exceed \$375,000 per annum from any appropriations heretofore or hereafter made for flood control by the United States for the establishment, operation, and maintenance by the Weather Bureau of a current information service of precipitation, flood forecasts, and flood warnings. If before the flood on the Ohio River in 1937 we had had a system of adequate forecasts as to what that flood would do, how high it would get, and means of divulging that information to the people of the Ohio Valley, millions and millions of dollars would have been saved.

[Here the gavel fell.]

Mr. WHITTINGTON. Mr. Chairman, I yield 2 additional minutes to the gentleman from Ohio.

Mr. Chairman, will the gentleman yield?

Mr. SECREST. I yield.

Mr. WHITTINGTON. I did not have time to address myself to this very vital point, and I want now, with the gentleman's permission, to call the attention of the Committee to the provisions for upstream soil conservation, water retardation, and would like to do it in connection with the gentleman's remarks because I know how vitally interested he is in the Muskingum Valley in his district.

The provisions of this bill placing in the Department of Agriculture duties in respect to water retardation, soil conservation, and the prevention of soil erosion, supplementing the protective work of the Corps of Engineers, is one of the most important progressive features of this legislation.

Mr. SECREST. I agree with the gentleman 100 percent. In many areas of the country where reservoirs are constructed in 10, 15, or 20 years they may be filled with silt. In this bill we have provided in the construction of reservoirs that at the same time steps shall be taken to control erosion to protect the reservoirs as long as it is humanly possible to do so.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. SECREST. I yield.

Mr. O'CONNOR of Montana. I admire the gentleman's clarity of expression very much. Can he answer this question? We all agree that floodwater should be controlled at the source. Is the bill sufficiently elastic in its provision to take care of any situation that needs attention outside of what has now been approved by the Army engineers?

Mr. SECREST. The Army engineers have approved hundreds of projects. They are studying and approving more every day. This bill provides for surveys on perhaps 75 or 100 additional rivers. Any time the gentleman wants authorized a survey on any river, if he will introduce a bill the Flood Control Committee will act on it. We never yet have refused to report one.

Because this bill sets up a practical yardstick, because it provides for additional weather forecasting to protect property in advance of flood, because it provides for soil conservation to save the reservoirs for a long period of time, I do not think there will be a single vote against the bill in this House. [Applause.]

[Here the gavel fell.]

Mr. CARLSON. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I am not at all surprised at the complimentary remarks made of the chairman of the committee by his colleagues on the committee. Not

being a member of that committee, I want to add my testimony as to the type of service I have watched the gentleman from Mississippi render for many years to the House and to the country in this body. The bill now before us shows the result of cooperation under leadership such as that exercised by the gentleman from Mississippi, and the desire of his colleagues to cooperate to the fullest extent in the preparation and reporting of a bill for the Congress to pass; and so I want to add just a word of compliment to the gentleman from Mississippi and at the same time say that his colleagues, too—and I know he is generous enough to extend his greetings to them—are entitled to their share of praise for the quality of the bill that is today before us.

I have been interested in the subject of river navigation and flood control for a long time; in fact, throughout my career in this House. One of the items in the pending bill has to do with the Connecticut River flowing through my district. The gentleman from Massachusetts, my colleague [Mr. CLASON], has ably described the condition of the river and the need for the passage of this bill. He is entitled to great credit for the extended labor he has performed and the knowledge he has exhibited of the subject matter marks him as an outstanding student of the subject of flood control.

He represents more of the section directly affected than I do, and, as a member of the committee, of course, he has had much better opportunity than I to go into the details to show the need of the authorizations herein contained.

I further compliment the committee on the preparation of the report now before us. Sometimes we take up these reports and do not get very much additional information to what is actually contained in the bill itself. May I read just one or two extracts from the committee report which shows the skill and degree with which it has been prepared under the supervision, I am sure, of its able chairman. I quote from the first page:

The bill represents a truly comprehensive effort definitely to meet the widespread public demand for effective flood control throughout the United States, and it contains general legislation having this purpose in view.

Further it states:

As a result and following the great floods of 1935 and 1936, the Congress passed the act of June 22, 1936, which established a national policy for flood control and effected a beginning of improvements to accomplish the national purpose, but this beginning, although a great step in the right direction, did not fully meet the public demand. Additional legislation and a greatly increased program of construction for flood control has been insistently demanded by the people of the United States.

May I quote one further sentence as follows:

The committee believe that the Congress and the country have had enough of theoretical planning. It is time for action. There can be no complaint respecting the appropriations under existing law. The need is for additional authorizations.

Mr. Chairman, those extracts from the committee report give a general idea of the value of the report as a whole, and I heartily commend it to the membership of the House for their perusal.

Mr. Chairman, the particular item in the bill which directly affects my district is referred to on page 7 of the report, and that, too, is a most comprehensive expression of the situation that exists on the Connecticut River. The report states:

The Connecticut River Valley has been subject to frequent and severe floods. The greatest flood of record in the middle and lower reaches occurred in March 1936 and caused direct damages estimated at \$34,500,000. In November 1927 floods in the upper basin caused losses of \$15,500,000. The control of these floods is of prime importance for the economic and social security of the area.

To digress just a moment, may I say there has been an interest shown on the part of the Government for a long time in definite surveys, both for flood control and navigation on the Connecticut River, but the flood of 1936, to which the report refers, was so much greater than any previous flood of which the War Department had record that it really made those records obsolete, and it was necessary for the engineers of the War Department to revamp the entire work that had

been carried on during a great number of years in relation to that flood condition. The report now before us brings this work up to and including that great flood of 1936.

I note in connection with the division of expenses that in the case of the city of Holyoke, which I represent, the estimated cost of construction that will be provided by the Government is \$1,388,000 and there will be added to that \$147,000 for land damages, to be contributed by the local authorities, making the total to be expended for the protection of Holyoke \$1,535,000. May I say in connection with the contribution by the local authorities that there appeared at the hearing held by the Flood Committee on April 4 the mayor of Holyoke, as well as the mayors of other cities on the Connecticut River in Massachusetts, and these gentlemen practically guaranteed that their communities and their city governments would carry out the agreement. Therefore, we come before you today with the cooperation of the local authorities, and, of course, I speak solely for Holyoke, although other cities were represented at the hearing. All the mayors and the chairman of the county commissioners of Hampden County appeared at the hearing to which I have heretofore referred.

There is one other particularly interesting item in connection with this report that has not been referred to as completely and as extensively as it might have been. The committee has seen fit, wisely I think, to avoid the question of reservoirs in this particular bill. Just as soon as possible we must have the protection afforded by dikes and walls. So do not confuse the two divisions of flood control. Let us go ahead with this problem first, then later on take up the question of reservoirs.

Mr. Chairman, I sincerely hope this bill will pass and that it will not only carry the authorization recommended by the committee but following its passage that in a very short time we can be assured of the necessary appropriation to carry out the authorization.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. I call the attention of the gentleman to the fact that in addition to the protection from local works along the Connecticut River, to which the gentleman has referred, there have been constructed in Vermont along the tributaries of the Connecticut River three reservoirs. The local contribution for the building of those three reservoirs under the Relief and Emergency Act has been exceedingly small.

Mr. TREADWAY. I thank the gentleman.

Mr. Chairman, I call attention to one more item in the bill, to which the gentleman from Ohio referred in his remarks, namely, section 8. It seems to me that section 8 is very important. It provides for the expenditure of \$375,000 in order that the Weather Bureau may notify communities of the possibilities of sudden floods and trouble from these inundations.

I am wondering how that may be construed. Of course, when these severe floods come, telephone and telegraph systems go down the river and are out of commission. How are you going to get this information to the communities directly affected unless it comes over the air? I hope it may be construed that flood forecasts and flood warnings will include the use of the radio by the Weather Bureau in giving the necessary information to the communities directly affected.

In this connection, Mr. Chairman, may I quote from the testimony of Mayor Yoerg, mayor of Holyoke, Mass., who appeared at the hearing before the Flood Control Committee, as follows:

Another question which seemed to be of great interest was in connection with the work of the Weather Bureau in giving advance reports of floods. Even with the conditions that we experienced in 1936 we were able to save the manufacturers a good many dollars because of the report we received from the State offices at Northampton, even with the telephones out of order.

If we could have included in this bill in some way a provision for some system of some kind so that we could work along with

the Weather Bureau, which would give us advance information from the north, no doubt these manufacturers would be able to save thousands of dollars before the flood hit our territory.

Let me conclude by repeating that the need of the protection designated in this bill is very great for the future welfare of the industrial city of Holyoke.

[Here the gavel fell.]

Mr. WHITTINGTON. Mr. Chairman, I yield 6 minutes to the gentleman from Missouri [Mr. ZIMMERMAN].

Mr. ZIMMERMAN. Mr. Chairman, as a member of the Committee on Flood Control, I would like to take this opportunity to pay my respects to the distinguished chairman of that committee, the gentleman from Mississippi. When I came to this body 4 years ago I asked to be assigned to the Committee on Flood Control and was honored by being given that assignment. It has been my privilege to work with our able chairman and my other committee members during this time, and I may say that I have never worked with a man who gave more of his time and more of his thought to a program than our chairman has given to this flood-control bill. I can also say for my colleagues on both sides of the aisle that we have had wonderful cooperation and, by all working together, have brought you this bill without any minority report. It truly represents the best thought of the Committee on Flood Control, and I urge that it receive your favorable consideration.

When I came to this body and was assigned to this committee there was no sentiment in the committee or in the Congress in support of reservoir construction. I recall distinctly that even the Corps of Engineers of the Army was not very enthusiastic about reservoirs. Many, if not most, of the engineers doubted the advisability of resorting to reservoir construction for the control of floods. They were wedded to the old program of levee building and dikes. Many of us who have lived on streams where we had to depend on levees and dikes for flood protection knew how dismally they had failed. Take my own case. The eastern part of the district I have the honor to represent is flanked on the east by the Mississippi River, and through the district flow two of the most turbulent streams that come out of the Ozarks, the Black and the St. Francis Rivers. We are now building a reservoir on the St. Francis at Wappapello, and I predict that ere long we will not have to rely on the levees along this stream to protect from disastrous floods our rich agricultural land, our cities and towns, and our railroads and telephones. I believe the most progressive step we have made in our flood-control program is provision for building reservoirs to control floodwaters at their source. I believe that when we put through this program, as I feel we will, we will have done more to avert floods than anything we have done since I have had anything to do with the work of this committee and this program.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield briefly?

Mr. ZIMMERMAN. I yield to the gentleman from California.

Mr. VOORHIS. Is it not true that the reservoir on the St. Francis River will protect lands not only in the gentleman's State but in other States, and, therefore, the provision we have in section 2 of the bill for cutting down the amount of local contributions is important from that standpoint?

Mr. ZIMMERMAN. Precisely. For example, on the Black River, the flood protection resulting from the reservoir at Clearwater, up in the State of Missouri, will be primarily effective down in the State of Arkansas. It will even affect the flood heights on the Mississippi River at Arkansas City where the White River flows into the Mississippi. It will also afford flood protection for the people down in Louisiana. Therefore, you can hardly estimate the value of a reservoir in a great flood-control program.

Mr. ANDERSON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. ZIMMERMAN. I yield to the gentleman from Missouri.

Mr. ANDERSON of Missouri. This program, if enacted into law, will be of great benefit to the gentleman's district and will help protect the farms and the homes of the people in his district.

Mr. ZIMMERMAN. We think so, yes, without doubt. The Flood Control Act of 1936, which I believe was a constructive program, required local contributions, to which reference has been made here today, which practically nullified that program and made impossible the construction of reservoirs under it.

[Here the gavel fell.]

Mr. WHITTINGTON. Mr. Chairman, I yield 2 additional minutes to the gentleman from Missouri.

Mr. ZIMMERMAN. There has been no change in our program as far as requiring a local contribution is concerned. The law remains just as it did except as to reservoirs. The mere fact that a reservoir is constructed on a watershed, or high up on the stream, makes it absolutely necessary, I believe, that we lower the requirement for local contribution, because often the people in that locality receive little or no benefit whatever from the reservoir and from its operation. This is true of practically all reservoirs constructed near the head of a stream. I hope no effort will be made to require a greater contribution from local interests than the provisions of the yardstick which we have laid down in this bill, and which I believe is adequate. The reason assigned by the Army engineers for urging that a local contribution be required was to have the local people and communities interested in the acquisition of the lands and have them assist the Corps of Engineers in getting the necessary rights-of-way and the land necessary for construction of reservoirs. With this view I agree and I do hope no serious effort will be made to modify the provisions of this bill as to the yardstick for local contributions.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. ZIMMERMAN. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. Just what is the yardstick?

Mr. ZIMMERMAN. Thirty percent of cost of lands, easements, and rights-of-way.

[Here the gavel fell.]

Mr. ENGLEBRIGHT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. ALLEN].

Mr. ALLEN of Illinois. Mr. Chairman, I wish to compliment the Committee on Flood Control for bringing before us a truly comprehensive bill designed to remedy flood conditions throughout the United States. Although it is true that many people of the United States view with alarm the gigantic expenditures of our Federal Government, they do not object to expenditures for flood purposes. Under previous law a survey and examination has been authorized for the Galena River, Jo Daviess County, Ill. This bill provides for a survey and examination for the Rock River, Ill. I am sure that with \$10,000,000 for such surveys the Corps of Engineers will make these examinations and surveys in order to protect life and property in these localities. [Applause.]

[Here the gavel fell.]

Mr. ENGLEBRIGHT. Mr. Chairman, I yield 7 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, I agree with everything that has been said here today with reference to the efficiency of the chairman and of the committee that has brought out this legislation. I do not believe it is necessary for us to say anything more along that line, because that is generally accepted and well understood. However, I should like to direct a few questions to the chairman in the time allotted to me.

In the first place, may I ask what we can say to our people, wherever we may live, as to whether or not money is going to be available for the projects that are listed in this bill as having been approved by the Army engineers? I mean by this question to ask whether there is any impediment the

gentleman knows of that will prevent us from having the necessary money either from past appropriations or from proposed future appropriations or from relief.

Mr. WHITTINGTON. I answer the gentleman by saying that, as he well knows, ours is a legislative committee. Personally, I think the money for the next fiscal year in the pending appropriation bill to the amount of \$87,000,000 by resolution or amendment or by provision in the next deficiency bill should be made applicable to the projects here.

Furthermore, I think there should be a provision in the deficiency act for an appropriation for this bill.

Of course, I have no knowledge in the matter as yet, but I take it that under the Relief and Emergency Act of 1938, the President of the United States could allocate as much money as he desires within the terms of that act to these or any other projects authorized by Congress where the work would be applicable.

Mr. JENKINS of Ohio. Would it then be safe to assume that practically every project named in this bill, either through relief or through money already appropriated, will be carried on in the next year if the work can be supervised by the Army engineers?

Mr. WHITTINGTON. I would certainly trust so, but I do not want the gentleman to misunderstand me. Ours is a legislative committee and I have given my opinion as to what I think should be done in the way of appropriations. I think we need authorizations and we may have difficulty in utilizing the \$87,000,000 in the appropriation bill for the next fiscal year now in conference, but if we have not sufficient funds in the said \$87,000,000, I think the next deficiency bill should make provision for work under this act.

Mr. JENKINS of Ohio. I would like to ask the gentleman another question with respect to this 70-30 provision. It has not been brought out here sufficiently clearly, in my opinion, as to whether or not anything was brought up in committee with respect to any definite plan whereby these political subdivisions would be recognized. The expression is "States or political subdivisions." Do they have to be townships or counties, or could there be some civic organization such as a chamber of commerce recognized? If a chamber of commerce, for instance, should undertake to underwrite a project or program like this, and to obtain the rights-of-way, and so forth, would such an organization be acceptable?

Mr. WHITTINGTON. There is not any new law with respect to that matter. The language is the language of existing law, which provides that States, political subdivisions, or other responsible local agencies, may give the assurances. It might be a State, it might be a city, it might be a conservancy district, and I am not prepared to say it might not be a voluntary association, just so the Chief of Engineers is satisfied that the association can comply with the terms of the act.

Mr. JENKINS of Ohio. I would like to ask one more question with reference to the 70-30 provision, and I want to be sure about this. Here is a community that cannot raise \$1,000,000, and it will take \$1,000,000 to buy the rights-of-way. Most of the money must be paid to farmers and small property owners along the way. I appreciate the gentleman cannot tell me exactly, but did anything develop in the committee that would indicate any course the engineers will take to deal with such a case, because if they are going to demand that the full \$1,000,000 be advanced, a lot of places will not be able to comply?

Mr. WHITTINGTON. I think that is undoubtedly true, but the President of the United States, as well as the majority leader, insisted upon the retention of the principle of local contribution in submitting this proposed plan to the committee, and that principle has been retained. I agree with the gentleman that it is going to be difficult in many cases. For instance, take the reservoirs authorized along the tributaries of the Ohio. There are probably 50 reservoirs authorized. The Government is not going to hunt up those local communities to build the reservoirs. There is going to be competition, and the community that

will provide the local contribution first and is able to show that the project is really a desirable project will get the first reservoir, so that over a period of 5 years the people who are backward and do not make provision for themselves may be delayed in getting their reservoirs, and I will say furthermore that if there is an emergency where the local people are required to put up more than the average that is put up, I would not know of a better opportunity where the W. P. A. Administrator or the President of the United States could come to the rescue of those people and make an allotment to help them over their difficulty out of relief and emergency funds.

I think I have covered the gentleman's question as fully as I can.

Mr. JENKINS of Ohio. I have one other question with reference to the law passed in August 1937 in the last few days of the first session of this the Seventy-fifth Congress, which applies only to the Ohio River, with reference to flood walls and defenses. At that time we authorized an appropriation of \$24,877,000 as I recall. I understand that that applied only to cities in the Ohio Valley.

Mr. WHITTINGTON. That applied only to the Ohio Valley, only to emergency projects in the Ohio Basin, and I might say that the full amount, \$24,877,000, has been allocated. It will take 2 or 3 years to do the work.

Mr. JENKINS of Ohio. My city of Ironton, Ohio, has the distinction of being the first city in the United States to avail itself of that law and get ready and meet all of the requirements for a city to come within the provisions of that law. The work of constructing flood defenses in my city has been progressing for some few weeks. Is there any difference between the amounts required to provide the necessary rights-of-way and to pay the damages in this bill than the amounts that have been required to be provided to purchase the rights-of-way and pay the damage under the bill under which the improvements in my city and other cities are being built?

Mr. WHITTINGTON. Not at all. The same principle applies to every river, including the Mississippi and the Ohio, and it is continued. It is the same as in the act of 1936.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. JENKINS of Ohio. I am glad that the Blue Stone Reservoir is included in this bill. Mr. KEE, the gentleman from West Virginia, and I have given this matter a great deal of attention. We were able to get in the bill of 1936 a provision that was at that time thought to be sufficient. Later events challenged the right of the President to purchase the lands and rights-of-way necessary for this reservoir and the President was ready to purchase all these lands and pay for them in full with Federal money. Acting upon the belief that the President could purchase this land, the Army engineers went ahead and drew the plans for the Blue Stone Dam. If this authority had not been questioned in court, this dam would be well under construction now. This pending legislation will remove all these questions and I hope that the Army engineers will be able to go ahead immediately and acquire all needed lands and proceed to construct this dam. When this reservoir is constructed, it will have a tremendous effect on reducing floods in the New River and the Kanawha and the Ohio. In case of floods which come into the Ohio largely from the mountains of West Virginia it is estimated that this reservoir will take off about 3 feet from the crest of the flood at the point where the Kanawha River flows into the Ohio. I favor this bill and shall vote for it. [Applause.]

Mr. ENGLEBRIGHT. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. MOTT].

Mr. MOTT. Mr. Chairman, as Members are aware, I have been intensely interested in the progress of this bill. I cannot, of course, deny that a part of that interest lies in the fact that one of the most important projects authorized by the bill is located in my own district, but I am interested in this bill—the 1938 flood-control bill—not merely because it includes a great and necessary flood-control project in my district—the

Willamette Valley project—but because I recognize in this bill the first scientific beginning of the solution of the whole flood-control problem of the United States.

I have talked to many Members of the House recently about this bill, and I have been somewhat surprised to find how little opposition there is to it. The reason for that, I think, is to be found in the reading of the committee's report on the bill and the bill itself. I do not believe I have ever read any bill or any report that has been more scientifically prepared than the one in this case. In 1936 the Flood Control Committee, in reporting out the general flood-control bill of that year, performed an act which, in my opinion, will take its place in the history of the country as one of the really important acts of the Congress because in the 1936 bill the Flood Control Committee set out the first comprehensive plan of flood control in the United States.

Since that time it has been shown by experience that there were some defects in the 1936 act. Obviously, no one could expect perfection in the first effort of the Congress on a subject so comprehensive and entirely new as this one. The committee this year has undertaken to correct, I think, all of those mistakes. One mistake in the 1936 act was the placing of so great a burden upon the local communities in the way of local contributions. That has been corrected largely to the satisfaction of everyone. Certainly, so far as the Willamette Valley project is concerned, the amendment to the local contribution provisions of the 1936 act have made all the difference in the world. Had not these contributions been reduced, it is doubtful whether we could proceed with the construction of this great project, which will make the beautiful and fertile Willamette Valley, where I live, a fairer paradise even than it now is.

It is a temptation to all of us, I am sure, to want to talk about the things which are important to our States and which touch us so closely, but I am going to resist the temptation, because I do not want to take the time of the House, in so short a debate upon so comprehensive a bill, in talking about any one single project included in this great measure. I will content myself simply by saying that the people of Oregon are very grateful for the generous consideration which the Willamette Valley flood-control project has received at the hands of the Flood Control Committee and the Congress. For 4 years we have worked consistently and persistently for the result which will be brought about by the enactment of this bill, and naturally we are happy that this \$62,000,000 flood-control project, which will bring to us so many benefits, has received final approval and has been made a part of the 1938 flood-control bill.

As the Representative in Congress of the district in which the Willamette Valley project is located, I wish on this occasion to express to the committee and to the House my own personal appreciation for the cooperation which has been given to me here ever since the first flood-control survey of the Willamette River was authorized. I wish particularly to acknowledge here the generous service rendered me by my distinguished colleague, Mr. SMITH of Washington, in the Seventy-third Congress, where the first flood-control surveys of the Willamette and other Pacific northwestern streams were authorized.

I am sure my colleague will vividly recall that very interesting occasion. It was near the closing days of that session, when the Consent Calendar was being called, and when bill after bill was being stricken down by objection from the floor. Mr. SMITH had introduced a bill authorizing a flood-control survey for the tributaries of the Columbia in the State of Washington. I had introduced one authorizing a flood-control survey for the Willamette, which is the principal tributary of the Columbia in Oregon. Mr. SMITH's bill reached the calendar first, and I was apprehensive lest my own bill might not be reached on the calendar before adjournment. So I asked Mr. SMITH if he would have any objection to a slight amendment to his bill. He said he would not, provided my proposed amendment did not lessen his bill's chance of

passage. So, when the Smith bill was called, I offered an amendment to include all of the tributaries of the Columbia in Oregon as well as in Washington, and to include also the Columbia itself. The amendment was adopted and the bill passed; and that bill, as amended, became the authorization for the Willamette flood-control survey, out of which has finally come the great project in Oregon, which is a part of this bill.

Mr. LEAVY. Mr. Chairman, will the gentleman yield before he takes his seat?

Mr. MOTT. Yes; gladly.

Mr. LEAVY. I am in full accord with everything that the gentleman has said and which the committee has done in the matter of this flood control, but in the Western States, the State in which the gentleman resides and the State I represent, together with the 11 Western States, where irrigation is a great factor, when they were admitted into the Union the enabling acts and constitutions of the various States reserved to the States exclusive jurisdiction over all of the waters of the State. Does this legislation in any way interfere with those rights?

Mr. MOTT. In my opinion, it interferes in no way with those rights. I have endeavored to give close study to the point in which the gentleman is interested, and I think the gentleman will agree with me that I have been a strong supporter of reclamation, in which the gentleman's State is so vitally concerned.

Mr. WHITTINGTON. And I may say that there is no occasion to make any reference to those rights, either in the Willamette Valley, in which the gentleman from Oregon is interested, or in any other valley.

Mr. MOTT. I am sure the gentleman from Mississippi [Mr. WHITTINGTON] is correct in that conclusion.

Now, Mr. Chairman, I am not going to talk further about the bill, because I think nearly everyone here is as familiar with it as I am, but I did not want to overlook this occasion to express my appreciation to the members of the Flood Control Committee for the great work that they have done in preparing and bringing in this bill. Time, I am sure, will show that the thanks of Congress and the country are due to every member of the Flood Control Committee and particularly to its able chairman, the distinguished gentleman from Mississippi, Mr. WHITTINGTON. [Applause.]

Mr. WHITTINGTON. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS. Mr. Chairman, a great many things have been said in the course of the debate today about the chairman of the Flood Control Committee. I take this occasion to add my word to this effect, that in the course of my life it has never been my pleasure to work with anyone who is a finer gentleman than the gentleman from Mississippi [Mr. WHITTINGTON]; and I say that simply and sincerely.

I do not need to make a long speech about floods. Gentlemen are familiar with them. They know that in 1936 New England was inundated, and that in 1937 the Ohio Valley and the Mississippi Valley suffered, and at least some of us know that in 1938 California suffered a sudden and terrific onslaught of both water and boulders and other things which did a tremendous amount of damage—\$83,000,000 estimated damage in the Los Angeles area alone.

The only thing I want to say in this connection is that as we proceed with the exploitation of our Nation we may expect that flood conditions will become not less serious but more so unless fundamental things are done to check them. Obviously, as has already been pointed out, the fundamental things to be done are to attempt, at least, to prevent or check them before they get started. This means two things—reservoirs and upstream erosion control. A great deal has been said about reservoirs. I merely want to reiterate the fact that you now have to choose between the present requirements for large expenditures on the part of local communities, in which case we know from experience most of these reservoirs just will not be built, or adopting

the provisions regarding local contributions which we have in this bill, in which case it will be possible for us to proceed on a national program of flood control.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS. I yield to my very able friend from Washington.

Mr. LEAVY. The primary purpose of this legislation, of course, is flood control; but could we not say that a secondary objective and a necessary corollary of flood control includes navigation, wherever navigation can be utilized?

Mr. VOORHIS. Without question.

Mr. LEAVY. And does it not also include hydroelectric development where flood-control dams are constructed?

Mr. VOORHIS. I will answer the gentleman by saying that this bill makes provision for a very important development at Denison, Tex., which will be a multiple-purpose reservoir, providing power features as well as flood control. My own opinion is that wherever that is possible at all it should be done; and the bill provides in section 4 that wherever there are power possibilities, the pen stocks shall be included in the dams.

Mr. LEAVY. Could not flood control be used effectively in reclamation projects?

Mr. VOORHIS. Yes; I am sure it could be utilized in reclamation projects. The gentleman is familiar with Boulder Dam and similar projects.

Now, Mr. Chairman, I want to say a few things about the peculiar nature of flood conditions in the far West. Let me illustrate specifically. It happens that a few months ago a family was sound asleep in their little home about 50 yards from the Pacific Ocean. At 3 o'clock in the morning they were awakened by the movements of the house. Looking out, they discovered that the house had been literally moved out into the Pacific Ocean by a great landslide caused by the heavy floods then suddenly coming down out of the mountains. They were forced to climb out windows and walk through the waters of the Pacific to safety. Perhaps I am unusually interested in this case because it happens that the family was that of my own uncle.

Upward of 2,000,000 people in the Los Angeles area live in communities located right at the foot of a high mountain range rising to 10,000 feet. Flood conditions may come at the most unpredictable times, and when they do it is not merely water which comes down out of the mountains, but debris and even huge boulders, which crash through homes, block highways, and destroy utilities. In the course of the hearings before our committee General Tyler, who had just returned from California, testified that Los Angeles and her sister cities in that valley are, in effect, living under a volcano, on account of this peculiar flood and erosion menace.

This bill provides a Nation-wide flood-control program. That is the program I am for. I merely wanted to indicate to the House something of the peculiar nature of the flood problems of the West. [Applause.]

[Here the gavel fell.]

Mr. CARLSON. Mr. Chairman, I yield 4 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, first of all I want to congratulate the chairman of the Flood Control Committee and the members of that committee for the very courteous hearings they gave me and my constituents, Hon. Dewey G. Archambault, the mayor of the city of Lowell, and the Lowell city engineer, Mr. Stephen Kearney, when we appeared before the committee to endorse my bill which provided for local protection at Lowell and the nearby towns. I also want to thank the committee for having reported out of the committee last year approval of a compact entered into between the States of New Hampshire and Massachusetts for the construction of reservoirs, which are considered to be the only means of affording real flood protection for Lowell and the towns along the Merrimack River.

The Merrimack River is the heart of Massachusetts. It should be kept a great artery for the development of our commerce. Its early history is fascinating, and many important events of early times in America took place in

the Merrimack Valley. It is not difficult to picture the Indians who first plied their trade on the Merrimack River. The river is not only beautiful, but it has played a vital part in the industrial life of our country. The first textile mill of any size was built at Lowell, and today many fine industries are situated on the river from its source to the point where it flows out to sea.

These industries in prosperous times provide work for thousands of people. I believe there is nothing that sounds more beautiful and satisfying to a Member of Congress than to hear the whirr of machinery, which indicates that his constituents are having an opportunity to gain a livelihood.

Mr. Chairman, in the flood of 1936 thousands of people in my own district were made homeless, and in many instances industries were closed and business was at a standstill. The Merrimack River was a raging torrent, and for several days there was no abatement.

Mr. Chairman, we are in a very tragic situation today, so far as the Merrimack Valley is concerned, because the bill which approved the compact and which was reported out by the Flood Control Committee was not voted by the House in the last session of Congress. I tried to secure a rule for its passage and then in the closing hour of Congress I tried to get the Speaker to recognize me for the purpose of passing the bill. I cannot blame the Members of Congress because the administration leaders would not allow me to bring it up for action in the closing hours of the last day. You can imagine, Mr. Chairman, how the people in my district feel who live along the Merrimack River, people for the most part of very small means. You can imagine how bitterly they feel that the administration has not allowed this compact to go through. You can imagine the fear that is in their minds of another flood which would find them without adequate protection. You can also imagine how bitterly the workers feel in the industries at Lowell, Lawrence, and in the other Merrimack Valley cities and towns in New Hampshire and Massachusetts, because the administration has not allowed the compact to be approved, because it has not protected their industries, because it has not protected their jobs. May I ask the chairman of the committee if this bill would provide money for dams and reservoirs that have no potential power feature?

Mr. WHITTINGTON. The dams that were provided in 1936, and further provided for in the pending bill, made no provision for the development of power. My information is that in six of the dams, by very large additional expenditures the dams might be changed in construction to include power, but as reported and as agreed to by the committee, there is no provision for power. In my judgment, if this bill is passed, there may be the opportunity to build the reservoirs with or without compacts being approved by the Congress. I know that all compacts and agreements under article I of the Constitution have to be approved by the Congress, but I do not know of any penalty, civil or criminal, if they are not so approved. You could build them by a gentlemen's agreement.

[Here the gavel fell.]

Mr. ENGLEBRIGHT. Mr. Chairman, I yield the gentlewoman from Massachusetts 1 additional minute.

Mrs. ROGERS of Massachusetts. Mr. Chairman, as a result of a survey for which I secured legislation the Army engineers recently completed a survey of the Merrimack River. On Monday last the Board of Engineers at my suggestion held a hearing. Congressman CONNERY, who represents the Lawrence district, and Congressman JENKS of New Hampshire endorsed my request for local flood control, and letters were presented by Senators LODGE and WALSH endorsing my request for local flood control. It is felt that control locally will be needed to supplement the reservoirs; and most certainly, if the compacts are not approved for the reservoirs, we shall need the erection of levees, dikes, and walls such as are recommended in this bill for the Connecticut; but, instead of trying to get an amendment through at this time in the House, I shall try to secure in the Senate the recommendation which I hope and believe the

engineers will make regarding the erection of dikes, walls, and levees.

Mr. WHITTINGTON. May I say that I know of no Member of Congress who has been more diligent and, may I add, more successful, in getting appropriations for flood control along the Merrimack River than the gentlewoman who now has the floor. By reference to the hearings you will find the gentlewoman got in the neighborhood of eight or nine hundred thousand dollars for that community. When you get the Chief of Engineers to approve it, I will approve it.

Mrs. ROGERS of Massachusetts. If it is put in the bill over in the Senate the gentleman will approve it? I regret that apparently it will arrive only a few hours too late to become a part of the House bill.

[Here the gavel fell.]

Mr. WHITTINGTON. Mr. Chairman, I yield to the gentleman from Florida [Mr. GREEN] such time as he may desire.

Mr. GREEN. Mr. Chairman, the committee has made a very thorough study of this subject and we realize the great importance of flood control. It is one of the most important questions in our country. Thousands of acres of fertile topsoil are being washed away annually. We should conserve our soil and our water resources. To fail to do this may render us as China is today. Some of my colleagues have been to China and have observed that a day out in the ocean from China you see the Yellow Sea. It is called the Yellow Sea because it is filled with eroded China soil. We have sufficient water in the United States, and if we distribute it properly we will not have a drought problem of serious proportions. We should do what we can through these artificial means to control the distribution of water in our country.

I commend this bill to the favorable consideration of the committee.

#### THE FLORIDA CANAL

The House Rivers and Harbors Committee at the last regular session of Congress held many weeks' hearings on the subject of a steamship canal across Florida. The purpose of this canal is to connect the waters of the Atlantic with the Gulf, and also to connect our inland waterway from Boston to the Rio Grande. These hearings, of course, are printed and available. The canal and its proposed benefits were discussed in every detail. The Army engineers appeared before the committee and presented their views, including the strong favorable report of the Chief of the Army Engineers. The committee reported the bill.

During the hearings the majority of the committee concluded that Florida's water supply would not in any way be seriously affected. Today one of my colleagues, who represents a district adjacent to the Canadian border, obtained permission to extend his remarks and to include therein letters. He advises me that these letters pertain to the Florida canal. I have the impression that therein may be presented views on which you may desire further information. With this in mind, I include herewith two letters from high authorities. The first is by Mr. R. J. Trimble, of Tampa, Fla., who is probably the best authority Florida has on its water system. The other comes from Dr. J. W. Scott, who was formerly with the United States Ship Inspection Service, and who is now one of Tampa's leading citizens and public officials. The letters follow:

TAMPA, FLA., May 16, 1938.

Re Florida Canal.

HON. ROBERT ALEXIS GREEN,  
Washington, D. C.:

You no doubt are already amply informed as to the facts concerning all angles of the water supplies and their source, etc., in Florida. Nevertheless, Mr. BEITER's weak-kneed argument prompts me to call to your attention a few points that you might use. I am quite familiar with the territory ranging south of Ocala as far as Lake Okeechobee. The files of the engineers of the War Department contain data from surveys that will substantiate the comparisons that I am about to refer to. First, call to Mr. BEITER's attention the so-called drought he mentions has not materially affected the flow of wells in Florida any more than in the past or not as much as in some years. Furthermore, in the lake region just south of Ocala, the water table today is much higher than it has been many times before. Also enlighten him to the facts

that there are over 500 square miles of water with a mean average of 10 feet in Lake, Orange, and Marion Counties. That is 58 feet above sea level. This large reservoir is south of the proposed canal, and the canal could not have any effect whatsoever on this supply. No positive proof has ever come forth that this reservoir does or does not supply much of the water that comes from all of the wells at the lower elevation. Now, since all of this water is south of the canal and since the slope from the mean elevation slopes southward, what effect could the canal have on the water supply? Not any.

Just to prove another point, sulphur springs at Ocala has one well highly advertised to be 90 feet deep, where the water emerges from the rocks—how much deeper no one knows. However, 90 feet is enough to judge by, as this would still be far below a 30-foot sea-level canal, which makes the flowing-well argument just as silly as the fact that sulphur flowing wells are flowing in the Indian River above the salt water and also in the Gulf of Mexico, both of which are sea level. Furthermore, pitcher pumps galore are producing fresh water driven in the sand no farther than 15 to 20 feet all over the beaches of Florida.

Not too little to mention are thousands of lakes in Florida at elevations more than 40 feet above sea level, which is 10 plus that contributed to the water supply of the so-called "terribly drought-stricken barren lowland region," and advise our friend from New York that these depressions or lakes contain practically half of the area south of a line drawn from Jacksonville to Cross City. Call to the attention of the committee that Lake County alone has registered 1,400 lakes that have been called navigable and have individual names. In the large chain in the central part of the State, Lake Apopka, Lake Beauclair, Eustis, Little and Big Lake Harris, Carlton, Yale, Lake Griffin, and Long Lake alone comprise without taking into consideration connecting canals, approximately 600 square miles of cruising waters at a mean depth of 10 feet, this reservoir alone is enough to supply not only Florida but its neighboring States besides.

The cross-State canal would have no more effect on Florida's water supply in the writer's estimation than a scratch.

The writer has just completed in this "terrible drought" an 8-inch well here in Hillsborough County, near Tampa, that has been tested and shows better than 500 gallons per minute. This well was drilled at an elevation 41 feet above sea level, the water stands 26 feet from the top of the ground—and I again mention in the face of the fact of this "terrible drought"—does not contain a single touch of sulphur and is soft and pure water with a temperature of 68.59, doesn't it stand to reason that it is feasible that this well is supplied from the aforementioned reservoirs from the higher elevation?

Since reading Mr. BEITER's article of last week the writer has taken it upon himself to investigate the water tables in the immediate locality near Tampa and has found several shallow wells in the Belmont Heights region elevation approximately 40 feet above sea level that are functioning very satisfactory, still these wells average only from 12 to 25 feet in depth and are of the pitcher-pump type; true, some of these wells are not producing maximum capacity. However, the check-up was just that minimum equipment was installed at maximum water table, answering Mr. BEITER's statement that some of the Florida wells have quit flowing; in other words the Florida water table is no different now than it ever has been. This writer's experience in hydraulics in Florida is supplied over practical experience for the last 30 years.

We operate one of the largest citrus nurseries in Florida at Lake Jem, Fla., and maintain over 500 acres of citrus groves. Naturally, we have had much experience with moisture situation throughout these years and have been vitally interested in the water table, especially in the lake region, and can say that since the installation of the dam and lock in Marion County, Ocklawaha River, we have noticed very little variation in the mean water level of our lakes. We are equipped with irrigation plants for our groves and we have used them practically every year for the past 30 years. The writer attends every hearing pertaining to waterways and water tables in the lake region and has for the past 20 years, and naturally is fairly familiar with conditions.

The purpose of this letter is to help you if possible to call to the attention of the committee the truth of the subject.

Respectfully yours,

R. J. TRIMBLE.

TAMPA, FLA., May 14, 1938.

Re Florida cross-State canal.

HON. LEX GREEN,

House of Representatives, Washington, D. C.

DEAR Mr. GREEN: Two hundred and twenty-one thousand voters in Florida backed the judgment of the Honorable CLAUDE PEPPER, in this May's election. United States Senator PEPPER backed the judgment of our President, and these men who have done so much in the interest of the Florida cross-State canal.

Senator PEPPER was told by his opponents from the platforms, through the radio, through the press, of opposition newspapers, that his stand meant defeat.

If consistent, I would be glad to have you read this letter so that Representative BEITER, of New York, may get a better idea of conditions. There is in north Florida a vast amount of valuable natural resources, sealed in the ground owing to lack of transportation, and the railroads have no intention of ever changing this condition. Landowners want transportation; northern manufacturers

need certain raw materials now costing them too much money, and Florida needs northern products denied them by high railroad rates.

The Florida drought is newspaper talk. Rainfall, while short of 1937, has been 4.99 inches since January 1. Flowing wells are not depended upon either for irrigation or water supply.

Of paramount interest is the following: Florida as a State is not populated by a few pioneers, or these men and women born in Florida, but represents people from every State in the Union, including New York State.

The 221,000 voters have on an average of five friends in the North of voting age. All we ask is cooperation from our northern Representatives in making legislation that is of so vital importance to the States and to our Nation, and there is no greater need right now than the Florida cross-State canal. It offers an inland safety zone to the United States Government for every type of ship.

With best wishes.

Sincerely yours,

J. W. SCOTT, M. D.

I hope the committee will accept the bill.

Mr. Chairman, I ask unanimous consent to extend my own remarks in the RECORD and include therein two or three letters.

The CHAIRMAN (Mr. UMSTEAD). The gentleman may obtain permission to extend his own remarks, but not include letters. He will have to get that permission in the House.

Mr. ENGLEBRIGHT. Mr. Chairman, I yield 2 minutes to the majority leader, the gentleman from Texas [Mr. RAYBURN].

Mr. WHITTINGTON. Mr. Chairman, I also yield the gentleman 2 minutes.

Mr. RAYBURN. Mr. Chairman, I have very little to say with reference to this bill except that I do not think I have known a committee, according to my way of thinking on matters of this sort, during my years of service in this House, that has in the mechanics of the bill or in the policies established by it done a greater job than this Committee on Flood Control.

The first time I ever took the floor of this House with reference to any matter had to do with rivers and harbors, I combated the old theory that by levees alone the flood waters of the rivers of this country could be controlled. In those remarks I advocated the building of reservoirs in the upper reaches of the tributaries of the great rivers of our country in order to make safe the control of floods. Under the old plan when we thought we had the Mississippi River controlled, according to the best thought of those who had come to the theory of levees alone, in 1927 we had the most destructive floods in the Mississippi Valley known to anyone then living. At that time a minimum of \$350,000,000 of private property was destroyed by that one great flood.

May I take this opportunity to say that the policy announced in this bill is one that should be announced and should have been announced heretofore. The vision and industry of the chairman of this committee, as well as the members of the committee, deserve not only the thanks of the Congress but the thanks of the country as a whole.

Mr. ENGLEBRIGHT. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, I, too, want to pay my respects to the committee in charge of this measure, for bringing in a comprehensive flood-control program. I also want to state that we appreciate the consideration that has been given by the committee in allocating a substantial sum for our part of the country and our State.

This, of course, is an authorization bill. To carry out its terms, will require the expenditure of \$575,000,000. Also, if this bill passes as it is written, and the terms of it are carried out, an appropriation of funds by Congress will be necessary.

If I have any criticism to offer concerning the measure, it is that in my judgment, more consideration should be given to the question of building a larger number of smaller dams, especially in some parts of the country, rather than a few large ones.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Illinois.

Mr. KELLER. Who would be better able to decide the question, Members of Congress or the Army engineers, who have studied the question?

Mr. REES of Kansas. I say that is my own opinion. As a layman, I am not in a very good position to criticize the plans of Army engineers, who have given this problem their thoughtful and careful study. It is my private judgment that Army engineers have a tendency to want to build large construction projects, because of the showing that is made thereby. But, it seems to me that the question of flood control could be solved in a more practical way, if more dams were built, at a lesser cost for each one, on the tributaries of the streams in question. I think such a plan could be carried out, so that the great overflow of streams would be prevented, and the interests of the people involved would be better served.

I have in mind, for instance, that according to the plans I have seen, one of these dams is to be built to a height of 50 or 60 feet, and will cause the inundation of hundreds of acres of land. According to the figures that are shown in the report, damage to the land and property alone for building this dam will be about \$6,000,000, and the entire dam will cost \$21,000,000. Under the terms of the bill, the district or municipality, as the case may be, will be expected to raise 30 percent of the cost of the land and damages amounting to practically \$2,000,000. I do not believe the people of the vicinity or in that territory will be able to raise such a large sum of money. I am only trying to look at the practical side of the question, as I see it.

One thing more. I believe a good part of the funds allowed to the Works Progress Administration could be used for the purpose of constructing these dams. It is a practical way to use the money, and the benefits would not necessarily be local, but widespread. Furthermore, most of the work required would be unskilled labor, and it is unskilled labor, along with other labor, which is in need of employment at this time.

Mr. WHITTINGTON. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. JOHNSON] such time as he may desire.

#### SUPPORTS RESERVOIR FLOOD-CONTROL PLAN

Mr. JOHNSON of Oklahoma. Mr. Chairman, I desire to join other colleagues in congratulating the chairman and the members of this committee on presenting this comprehensive, practical, and sane flood-control bill.

A few years ago I had the pleasure of serving as a member of the Flood Control Committee with its present chairman, the distinguished gentleman from Mississippi [Mr. WHITTINGTON]. I soon discovered that the present chairman entertained some very definite ideas relative to flood control. I am glad to say that even then I shared the views in a great measure of the present chairman of that committee.

While a member of the Flood Control Committee I made a trip up the Mississippi River from New Orleans to Cape Girardeau and the more I saw of the situation on the lower Mississippi the more convinced I became that it would take a system of reservoirs on the upper tributaries of that great basin if we were ever to have a real practical and comprehensive flood-control program.

Of course, I am going to support this bill. In my judgment, there should not be a vote cast against it. It is, by all odds, the most practical flood-control legislation ever presented to this Congress. [Applause.] I feel very deeply that the authorization contained in the pending bill when enacted and signed by the President is, or will be, a mandate to this Congress to actually appropriate the money. As a member of the Appropriations Committee I expect to exert every possible effort to see that every dollar authorized in this Flood Control Act is appropriated at this or some Congress in the very near future. [Applause.] In fact, flood control is of such urgent necessity in Oklahoma and other States on the upper tributaries of the Mississippi River that I feel we would be justified in asking the Deficiency Committee on Appropriations to include every dollar herein author-

ized in the deficiency bill which soon will be presented to this Congress by the Committee on Appropriations.

I am not now opposing nor have I ever opposed the so-called Denison Dam. Those sponsoring the Red River Dam, including our distinguished floor leader [Mr. RAYBURN], have no desire, I am sure, to take any possible advantage of those living on the Washita or other streams above the Denison Dam. But no one will pretend to say the bill as written would protect any streams or proposed projects above Denison except possibly one project already in the picture, known as the Altus project.

It is my understanding that my colleague from Oklahoma [Mr. MASSINGALE] after conferring with Army engineers and the legal staff of the War Department has prepared an amendment that he feels will fully protect the rights in the future of projects that have or may be proposed on the Washita, its tributaries, or other streams above Denison. I sincerely hope that no member of the committee will raise the point of order against the Massingale amendment. Surely the people of south, central, and western Oklahoma, above Denison, are entitled to that consideration.

Again let me say that I am supporting this legislation wholeheartedly and enthusiastically and I hope hereafter an annual flood-control bill will be passed by this Congress just as regularly as a highway bill, until we can at least in a measure stop the raging and devastating floods that are annually destroying hundreds of millions of dollars' worth of property and snuffing out the lives of many men, women, and children. The problem of flood control is undoubtedly one of the gravest now facing the American people. [Applause.]

Every dollar spent for flood control will make the country richer instead of poorer. It will pay excellent dividends. No Member of this House will ever have to apologize for money thus expended, and no enemies of this administration will dare to refer to these appropriations as money wasted.

Of the \$375,000,000 proposed to be authorized under the pending bill, only about \$24,000,000, as I recall, is proposed to be expended in the State of Oklahoma. One of the most important projects in the State, authorized in this bill, is an \$8,000,000 project on the North Canadian River in Blaine County, Okla. In fact, it is very near the corner of three counties in my State, and when the dam is constructed it will affect and materially benefit six of the eight congressional districts in Oklahoma. It is known as the Canton project, which calls for an expenditure of around \$8,000,000. Under the new yardstick set up by the committee, local interests will be required to put up only 30 percent of the cost of the right-of-way, instead of all of the cost under the old yardstick. I feel confident that the State of Oklahoma will find a way to pay its share of the cost of the right-of-way, which in this instance, as I understand, would be \$240,000.

It has been suggested today that this bill should be passed without amendments. I know that is usually the feeling of the members of the committee presenting a bill, and while I feel the committee has done an excellent job, I am very much of the opinion that at least one amendment should be written into this bill to protect those citizens in Oklahoma living above the Denison Dam, which is to be constructed on Red River between Oklahoma and Texas.

Mr. WHITTINGTON. Mr. Chairman, I yield such time as he may desire to the gentleman from Oklahoma [Mr. CARTWRIGHT].

Mr. CARTWRIGHT. Mr. Chairman, I rise to congratulate the chairman, Mr. WHITTINGTON, and the members of his committee on presenting this fine, comprehensive piece of legislation. I am supporting this bill and am glad to see so little opposition to it. I am also glad to know that the House Flood Control Committee, as well as the Army engineers, have finally come to the conclusion that the practical way of preventing floods on the lower Mississippi River is to build reservoirs on the upper tributaries and thus stop the floods before they reach the Father of Waters.

The members of the Flood Control Committee will perhaps recall that I appeared before the committee while the bill was being considered and advocated the placing of language in the bill to protect the States, counties, and local authorities for any property acquired for the purpose of flood control.

I came on the floor today to offer the following amendment:

That in the case of property acquired by the United States the United States shall annually pay to the States and local taxing subdivisions and authorities thereof a sum equivalent to the revenue that would be derived annually by such States and local taxing subdivisions and authorities, based on the assessed value at the time of taking of the properties so acquired and retained in ownership.

I am glad to learn that this is covered in the proposed legislation.

I feel that I have done my part toward protecting the rights and property of the citizens, especially in Bryan, Marshall, and Love Counties in the district I have the honor to represent in Congress.

The following letter which I have just sent to Mr. Herbert J. Pate, editor of the Madill Record, is self-explanatory:

WASHINGTON, D. C., May 13, 1938.

Mr. HERBERT J. PATE,  
Madill, Okla.

DEAR HERBERT: I am just in receipt of your telegram, reading as follows:

"Durant Democrat Monday quotes you favoring and working for Red River Dam. Mass meeting here 10 o'clock Friday morning will protest to utmost, and political opponents will circulate your reported attitude. Wire me personally your true attitude if at variance with newspaper reports. Opposition to dam bitter in Love, Carter, and Marshall Counties."

The newspaper announcement referred to was made without my knowledge. However, the facts as stated are true.

I did not stand in the way of progress when Lake Murray was proposed and have aided that project in many ways. The Denison Dam will probably be built, but it will not be built tomorrow. The flood-control bill as reported authorizing construction of the Denison Dam at a cost of \$54,000,000 contains provision for 30 percent local contributions on cost of land, easements, etc., which, on account of credit for power, will be reduced more than one-half, making local contribution for all purposes less than one and three-quarter million dollars. This is by far the lowest local contribution carried for any project in the bill. It is my purpose to try to have included a provision for the Federal Government to pay the counties and local taxing subdivisions annually amounts lost by land inundation.

The expenditure of over \$50,000,000 in our section will give thousands of jobs to the laboring people of southeastern Oklahoma for several years, and stimulate activity in all lines. Cheaper electric power for a large area will be available, reducing living and business costs, and bringing establishment of new industries.

As to the political side of it, I am not the kind of a candidate who is for the dam below the dam, against the dam above the dam, and who doesn't give a damn away from the dam. I am for the dam.

In trying to faithfully serve the best interests of a large district it is necessary to consider the greatest good to the greatest number.

Very cordially yours,

WILBURN CARTWRIGHT.

Mr. WHITTINGTON. Mr. Chairman, I yield to the gentleman from Washington [Mr. HILL] such time as he may desire.

Mr. HILL. Mr. Chairman, on behalf of the people of Walla Walla and the Yakima Valley, I want to express our gratitude to the chairman and members of the Flood Control Committee for their courtesy in permitting us to present full and complete facts and figures on these two projects at hearings held before this committee. We were quite confident that upon such presentation the feasibility and justification for these two projects would convince the committee that they should be included in the omnibus bill now before the House. Our hopes and expectations were not in vain, as the chairman said at one point in the hearings, referring to the Walla Walla project:

I may say you have done a good job because you have got more money for that town than almost any town I know of in the United States, and you are entitled to it.

It is to be emphasized in this connection that, unlike some of the proposed projects, both of these communities have spent their own funds up to the amount limited by State

law to start construction of these projects. The committee evidently appreciated this spirit of our people of the far Northwest to help themselves as far as possible before they sought Federal aid.

I want to commend also the committee for its sound and comprehensive program of flood control. Only projects approved by the Corps of Army Engineers are included in this bill. I am heartily in favor of this wise policy of flood control. It is a national problem and responsibility far too long delayed. The old saying, "An ounce of prevention is worth a pound of cure," is true in this case. Had a planned program been adopted decades ago, what conservation of soil, what saving of life and property would have been possible.

Those of us who have been fortunate enough to see the dramatic picture, The River, must fully realize the destructive menace and damage of the raging, turbulent waters that have annually rushed down our valleys to fill the hearts of its residents with dread and fear, made hundreds of thousands of them homeless, and carried thousands of them to a watery grave. The purpose of all government is to protect its citizens, and public funds expended in this manner are well spent, and taxpayers cannot and will not begrudge the immediate beneficiaries of this measure, because in the long run we all materially benefit from such wise and useful expenditures.

May I, in conclusion, emphasize that flood control and reclamation are national in scope, the one to provide homes for our people, the other to preserve the homes already established. They should go hand in hand. [Applause.]

Mr. CARLSON. Mr. Chairman, I yield to the gentleman from Ohio [Mr. WHITE].

Mr. WHITE of Ohio. Mr. Chairman, I should like to use this time to ask a question of the distinguished chairman of the committee, who is recognized not only as being widely experienced but as being one of the best authorities on flood control in the country.

Let us presume that a conservancy district is formed and the surveyors and engineers of that conservancy district get busy and develop a plan which they believe is the proper plan. Sometimes those plans are made and some people rise up and say they think there may be something wrong with the plan as developed in the local conservancy district, and then a movement is carried out to have a survey made by the Army engineers. Under those circumstances, is it not true that the best way of finding out not only the best plan but any features that may be wrong with a plan developed locally is to have a survey made by the Army engineers?

Mr. WHITTINGTON. I think so for a number of reasons, and particularly because the local interests have not at their command the data and the information to get the broader view that the local people should have, and this accounts for much of the money that has been wasted and squandered by the local people undertaking to construct works to protect themselves. They knew about the river in the community where they resided, but they did not know what was above them. I believe the gentleman is quite correct.

Mr. WHITE of Ohio. In the gentleman's judgment, is there any better authority on flood-control problems in the United States than the Army engineers?

Mr. WHITTINGTON. I think my views on that subject are generally known. I think the Corps of Army Engineers are the outstanding flood-control engineers of the country—and, for that matter, of the world.

Mr. WHITE of Ohio. I thank the gentleman.

Mr. WHITTINGTON. Mr. Chairman, I yield such time as he may desire to use to the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I arise here today to express an interest in the building of the Denison Dam at Denison, Tex. The Fourth Congressional District, which it is my privilege to represent here in Congress, is located in the northwest corner of the State of Louisiana, almost at the point where Red River enters Louisiana from south Arkansas.

This river meanders its way down through the Fourth Congressional District and into the Eighth Congressional District of Louisiana to its confluence with the Mississippi River at Angola, La.

During the current year, Red River in Louisiana has risen to an alarming stage three times. As the river rises, the velocity of the current increases and this in turn works upon the banks of the river and upon its levees, eroding them and damaging them. At the present time there are several points along the upper Red River in Louisiana at which serious conditions prevail, all resulting from the swift moving current of Red River working into and destroying the banks and levees which have been erected to protect the alluvial valley from this great stream. Even now the people of Caddo Parish are concerned with the Twelve Mile Bayou Bend immediately north of the city of Shreveport, at which point the river during recent months has encroached so far into its bank as to destroy the levee and threaten a great national highway and a railroad. On the other side of the river from this point, the parish of Bossier has been concerned with the wash from the current of Red River, which has encroached so far into its banks as to require the relocation of a railroad running along the east bank of this stream. Then, too, there is the plight of the Dixie Garden subdivision of the city of Shreveport, where Red River relentlessly continues its bank erosion, threatening the little homes, gardens, and orchards of a great many of the residents of this subdivision of Shreveport.

The banks of Red River, because of the rich alluvial soil on each side of the stream, and because of the velocity of the current, are constantly shifting and changing. Levees have been employed to prevent this. They retard but they are powerless to prevent a change of channel.

The people of Louisiana are interested in the building of the Denison Dam. We believe that by impounding millions of cubic feet of water behind the dam and by releasing it at periodic intervals, an even flow of water below the dam will occur. We believe that the height of the floods will be considerably decreased and the low-water stages will be removed. The even flow of the current will stabilize the banks of the stream and will make possible at some future time the installation of necessary improvements looking toward navigation. The withholding of the water by the Denison Dam in floodtimes will prevent the overflow of thousands of rich acres of land, thereby increasing its value and rendering it subject to further settlement and development.

This project is a large project; but so are the results which we hope to obtain from the building of the Denison Dam. We in Louisiana feel that the stabilizing results which follow the erection of this dam will lend more confidence to the development of this great alluvial valley. We believe that in time it will increase its population and its resources beyond even the dreams of the Army engineers and those civic-minded people who have sponsored this project. I therefore urge that the adoption of this measure be followed by prompt action of the Army engineers looking toward the immediate building of this great project in the southwest portion of the United States.

Mr. ENGLEBRIGHT. Mr. Chairman, I yield the remainder of my time to the gentleman from Colorado [Mr. MARTIN].

Mr. WHITTINGTON. Mr. Chairman, I yield the remainder of my time to the gentleman from Colorado.

Mr. MARTIN of Colorado. Mr. Chairman, my thanks to both sides of the House for their generosity.

Mr. Chairman, after all the bouquets that have been handed to the gentleman from Mississippi [Mr. WHITTINGTON], the chairman of the Flood Control Committee, it would not seem possible that there is another rosebud left on the bush, and yet I attended a number of the sessions of the Flood Control Committee and ever since then it has been in my mind that it is a great pleasure just to watch the gentleman from Mississippi work. More than 160 witnesses appeared before his committee in 3 weeks, and the way he could bring the story of the witness to a happy conclusion and cordially thank him and bow him out of the chair

and announce the next witness, all in one gesture, was certainly a work of art. He is certainly a fast and efficient worker. [Applause.]

I think the greatest praise that could be heaped on a committee—and I mean this—is that in a great new national field, involving practically every State in the Union, they could bring in a bill about which up to this moment no one has been able to say a single loud word, to say nothing about starting a fight. Those of us who wanted more out of this bill, a larger contribution from the Federal Government, have got our heads together and have not been able to develop the case, and we have decided to show our appreciation of the great work of the committee by going along.

If I had the time, I could make out a case as to why the Federal Government should pay every dollar of the local damages involved in a flood-control project. Only 2 weeks ago I presented such a resolution to the National Rivers and Harbors Congress, the president of which is a distinguished Member of this body, the gentleman from Arkansas [Mr. DRIVER], and that resolution, proposing to make all local damages, every dollar of them, a Federal charge, was unanimously approved.

**FEDERAL GOVERNMENT SHOULD PAY FOR DAMAGES ON FLOOD-CONTROL PROJECTS**

The resolution reads as follows:

*Resolved by the National Rivers and Harbors Congress, That it hereby approves and urges the passage at this session of Congress of legislation now being considered by the Committee on Flood Control of the House of Representatives to make damage to lands and improvements, including relocation of railroads and other public utilities, a construction charge to be borne by the Federal Government on all dams, reservoirs, levees, and other flood-control facilities, on all flood-control projects constructed under the Flood Control Act of June 22, 1936, and amendments thereto; and that a copy of this resolution be furnished the chairman of the House Committee on Flood Control.*

Mr. Chairman, the National Rivers and Harbors Congress in endorsing this resolution had no ax to grind. It views flood control as a national policy, just as it views the development and improvement of rivers and harbors for navigation a national policy. It knows that the immediate locality of a flood dam or reservoir frequently receives no direct protection or benefits, and it views the imposition of damage payments on such localities as an obstacle to the execution of a national flood-control program. Its recommendation is to be given very great weight. Mr. Chairman, there is no new principle in this. We are not establishing any new principle in this bill or departing from principle, as the gentleman from New York [Mr. SNELL] said. We are going back to original principles in asking that the Government pay the major part of this cost. [Applause.]

Let me remind Members that prior to the National Flood Control Act of 1936, damage to land and improvements involved in flood-control work was treated as a Federal charge. It is so treated in the Tennessee Valley. As I have heretofore stated, the flood reservoir which was authorized in the act of 1936 to be built on the Arkansas River in my home State, and which is now up against the question of local damages which it is not able to meet, had been approved by the Army engineers as a flood-control project prior to the act of 1936. The sponsor of the project was to be required to furnish only the land which was to be submerged or damaged by the project, and the Federal Government was to pay as a construction-cost damage to improvements on the land and the relocation of the same outside the boundaries of the project. Then came the act of 1936, making damage both to land and improvements a local charge, which the sponsor was and is absolutely unable to meet.

What is true of that project is true of perhaps 80 or 90 percent of the reservoir projects carried in the act of 1936, and will be true of the reservoir projects carried in the pending bill. The provision in the pending bill for payment by the Government of 70 percent of the damage to lands and improvements is a great step forward toward the execution of a national flood-control program. Many localities will be able to meet the 30 percent of cost imposed on them

and go forward with their projects, but there still will be projects, where the value of the lands or the improvements are great, in some cases in excess of the construction cost of the project itself, which may not be able to meet even 30 percent of these costs.

The test, in my opinion, ought to be whether the project is meritorious for the purposes of the Flood Control Act, whether it is a needed link in the chain of reservoirs to be built on these interstate streams, and if it meets the requirements, the project ought not to be penalized by the mere accident of its environment. In some cases there will be reservoirs where the land may be had for a song, and no improvements. In other cases, there will be reservoirs where the value of the land and the improvements exceeds the cost of construction. And there will be cases ranging the whole scale between these two extremes. It will be difficult, if not impracticable, to work out a graduated scale of local contribution to meet all these varying conditions. If needed flood-control projects are to be built or not, according to the ability or the disposition of a community to pay the damages, what becomes of your national flood-control policy? Are the river valleys of the country to continue to be ravaged by floods simply because the communities cannot or will not contribute to the cost of projects?

Certainly, no such rule has been applied in the expenditure of all the billions of dollars paid out from time immemorial for the improvement of rivers and harbors for navigation. These improvements were considered of national benefit, although all the direct benefit was local, and the Nation paid for them. They were paid for by the citizens and the localities located hundreds of miles from harbors or navigable waters equally with the citizens and localities directly benefited. It is the same with flood control which has now been declared a national policy.

However, Mr. Chairman, I have discussed this question at length in the House on other occasions and I do not wish to merely re-cover the same ground here. I most deeply appreciate the progress we have made in this legislation. I have had flood control on my calendar every day for 5 years, and I mean every day. I would like very much to see some of it under the head of finished business. I would like to see it go beyond the seemingly interminable stage of legislation, conferences, endorsements, resolutions, and correspondence of never-ending excursions and alarms. I see daylight in the pending bill and I am going to show my appreciation of the work of the House Committee on Flood Control by supporting this bill without any amendment whatever, regardless of its merit, which does not meet the approval of the committee. [Applause.]

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent that all Members who have spoken and all Members who may speak in Committee may have permission to revise and extend their own remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc., That hereafter Federal investigation, planning, and prosecution of improvements of rivers and harbors for flood-control and allied purposes shall be a function of and under the jurisdiction of the Corps of Engineers of the United States Army under the direction of the Secretary of War and the supervision of the Chief of Engineers, except as otherwise specifically provided by act of Congress.*

Sec. 2. That section 3 of the act of June 22, 1936 (Public, No. 738, 74th Cong.), as heretofore amended and as herein further modified, shall apply to all flood-control projects, except as otherwise specifically provided by law. That States or political subdivisions shall be granted and reimbursed, from flood-control appropriations by the United States sums equivalent to 70 percent of the actual expenditures made by them in acquiring lands, easements, and rights-of-way for any dam and reservoir herein authorized or heretofore authorized by the act of June 22, 1936 (Public, No. 738, 74th Cong.), as amended, and by the act of June 15, 1936 (Public, No. 678, 74th Cong.), as amended: *Provided*, That no reimbursement shall be made for any indirect or speculative damages: *Provided further*, That whenever a dam and reservoir authorized under the provisions of the aforesaid acts is completed, and a

request is made to the War Department by the State or local political subdivision in which said dam and reservoir are located, that the said dam and reservoir be maintained and operated by the United States, the maintenance and operation of such dam and reservoir is authorized to be a function of the Corps of Engineers of the United States Army and to be operated under the direction of the Secretary of War and the supervision of the Chief of Engineers: *And provided further*, That the assurances required by the aforesaid acts shall be modified so as to conform to this act.

Mr. JENKINS of Ohio. Mr. Chairman, I move to strike out the last word. I take this time to ask the chairman of the committee another question. I am much concerned with the proviso in the twelfth line on page 2:

*Provided*, That no reimbursement shall be made for any indirect or speculative damages.

I agree with the purpose of that, and I think I understand what it means, but it seems to me that will open the door for a lot of litigation or trouble, at least. Why insert that; why not leave that out, and let the Army engineers determine what the Government shall pay? By designating that, does not the gentleman invite a lot of trouble?

Mr. WHITTINGTON. On the contrary, Mr. Chairman, I think the language which was suggested to us by the Chief of Engineers, will protect the Federal Treasury. I know the gentleman is a lawyer by profession and an excellent one, because I have been in his home district. The gentleman knows that even in a court of law one cannot recover speculative and indirect damages, and if they cannot be recovered in a court of law why should the Government pay for such damages?

Mr. JENKINS of Ohio. I think the language is mere surplusage and ought not to be here, but I am not going to oppose the legislation on that ground. I am merely raising the question of whether this is necessary.

Mr. WHITTINGTON. The reason the language was included is to protect the Federal Treasury.

The Clerk read as follows:

Sec. 3. That in any case where the construction cost of levees or flood walls included in any authorized project can be substantially reduced by the evacuation of a portion or all of the area proposed to be protected and by the elimination of that portion or all of the area from the protection to be afforded by the project, the Chief of Engineers may modify the plan of said project so as to eliminate said portion or all of the area: *Provided*, That a sum not substantially exceeding the amount thus saved in construction cost may be expended by the Chief of Engineers, or in his discretion may be transferred to any other appropriate Federal agency for expenditure, toward the evacuation of the locality eliminated from protection and the rehabilitation of the persons so evacuated: *And provided further*, That the Chief of Engineers may, if he so desires, enter into agreement with States, local agencies, or the individuals concerned for the accomplishment by them, of such evacuation and rehabilitation and for their reimbursement from said sum for expenditures actually incurred by them for this purpose.

Mr. BATES. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee as to the status of the Merrimack River flood-control projects. I notice in this bill there is no provision at all for any local work on the Merrimack River. I have not had an opportunity to fully inform myself about the engineering phases of the situation, and I am asking why the committee recommended no local projects in the towns and large cities along the river which have suffered as the result of floods.

Mr. WHITTINGTON. Mr. Chairman, I think that is a pertinent inquiry. There were witnesses and sponsors of proposed local protective works along the Merrimack River, and they appeared before the committee. They were heard at length. We examined and interrogated the Corps of Engineers with respect to the proposed improvements. The Corps of Engineers were investigating, and they are studying the situation. They advised the committee that they were not ready to report, and under the program that obtained, and the policy that was adopted by the committee, no provision is made for Lowell or for any other cities along the Merrimack River, although reservoirs are provided for, because there was no report available from the Chief of Engineers. A good many other Members had projects that the Corps of Engineers are investigating, but upon which they

have not completed the work. I am in sympathy with the project mentioned and with other projects.

I have in mind particularly my friend the gentleman from Arkansas [Mr. FULLER] and a number of other Members of Congress who have been to see me with respect to projects that they have in their districts, about which the Corps of Engineers has not yet given us a report; and in order to protect this bill, in order to protect the legislation involved, the committee decided upon the policy of embracing only those matters that have been thoroughly investigated by the Corps of Engineers and have been submitted for inclusion in the bill. The gentleman's project will come in later, I am sure.

Mr. BATES. That is insofar as the local projects are concerned along the banks of the Merrimack?

Mr. WHITTINGTON. Yes.

Mr. BATES. Insofar as the flood control of the Merrimack is concerned as a result of the construction of dams or reservoirs, there is plenty of authority for that under the present law?

Mr. WHITTINGTON. Yes; and I may say that the benefits of the reduced local contribution extend to those projects.

Mr. BATES. There is a further restriction that inasmuch as the so-called New England compacts have not yet been approved there has been delay in the construction of the necessary dams, has there not?

Mr. WHITTINGTON. I am aware, as has been stated earlier in the course of this debate and in the hearings, that under article 1, section 10, paragraph 3, of the Constitution of the United States, all compacts and agreements between States have to be ratified by the Congress, but there is not any penalty, either civil or criminal, against the State.

Personally, in view of the very materially reduced local contribution by Connecticut, particularly, by Massachusetts, and by Vermont and New Hampshire, it occurred to me that, even though there be no compact, these reservoirs for flood control might be constructed after this fashion. In the lower Mississippi Valley under the situation that obtains there a levee along the south bank of the Arkansas River in the State of Arkansas that flows easterly into the Mississippi is maintained by the State of Louisiana, and has been for the last 40 years, without any compact. It is by a "gentleman's agreement." In the district in which I live, without any compacts with Tennessee, we have gone up there and arranged to buy some land and have built a levee in Tennessee. There is no inhibition against buying the land and rights-of-way. While I am a lawyer, I do not undertake to give the gentleman a final opinion, but my judgment is that the reservoirs could be constructed without the compacts, though I think the compacts are desirable.

Mr. BATES. Where there are power possibilities that does not apply, does it, in view of the Presidential decree?

Mr. WHITTINGTON. The reservoirs under consideration make no provision for power. The Flood Control Committee in reporting compacts undertake to preserve and reserve all the rights of the Federal Power Commission and the United States to power in any dam in the New England reservoirs, and to protect fully the rights of the United States in all power sites.

[Here the gavel fell.]

Mr. ENGLEBRIGHT. Mr. Chairman, I move to strike out the last two words in order to supplement the statement that has just been made by the gentleman from Mississippi. Is it not a fact that we had a number of meritorious and worthy projects before us that had been approved by the Chief of Engineers, and it was necessary in making selections for the projects in this bill to confine them to the more or less emergency projects in the various drainage basins? Also that we definitely established the policy that we would not include in this measure projects that had not been approved by the Chief of Engineers?

Mr. WHITTINGTON. And for that reason we could not include the project of the gentlewoman from Massa-

chusetts, because it had not received approval, nor the project of the gentleman from Arkansas, or the gentleman from Maryland. We want to include them just as soon as we can. My unanimous consent, the pro forma amendments were withdrawn.

Mr. FULLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FULLER. Section 4 contains several titles on numerous projects. Are amendments in order after the reading of the entire section or after each project?

The CHAIRMAN. The Chair advises the gentleman that the bill is being read by sections. An amendment would be in order after the section is read, not after the project is read.

The Clerk read as follows:

Sec. 4. That the following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers in accordance with the plans in the respective reports hereinafter designated: *Provided*, That penstocks or other similar facilities adapted to possible future use in the development of hydroelectric power may be installed in any dam herein authorized when approved by the Secretary of War upon the recommendation of the Chief of Engineers.

#### CONNECTICUT RIVER BASIN

The general comprehensive plan for flood-control and other purposes as set forth in House Document No. 455, Seventy-fifth Congress, second session, is approved, and there is hereby authorized \$11,524,000 for the construction of local flood-protection works in said plan: *Provided*, That the flood-protection project for East Hartford, Conn., authorized by the River and Harbor Act of August 30, 1935, is hereby abandoned; all as set forth in House Document No. 455, Seventy-fifth Congress, second session.

#### HUDSON AND MOHAWK RIVERS

The protection of the city of Waterford, N. Y., by a system of levees and flood walls in accordance with plans approved by the Chief of Engineers pursuant to preliminary examinations and surveys authorized by resolution adopted March 19, 1937, by the Committee on Flood Control of the House of Representatives, United States, is hereby authorized at an estimated cost of \$315,000.

#### OHIO RIVER BASIN

The general comprehensive plan for flood control and other purposes in the Ohio River Basin, as set forth in Flood Control Committee Document No. 1, Seventy-fifth Congress, first session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, is approved and for the initiation and partial accomplishment of said plan there is hereby authorized \$75,000,000 for reservoirs and \$50,300,000 for local flood-protection works; the reservoirs and local protection projects to be selected and approved by the Chief of Engineers: *Provided*, That this authorization shall include the diversion of Cache River above Cairo, Ill., from its outlet into the Ohio River to an outlet into the Mississippi River, and the protection of the area north of the Cairo drainage district by levees extending from said drainage district along the Ohio and Mississippi Rivers to high ground, with an estimated cost of \$2,000,000: *Provided further*, That the provisions of Executive Order No. 7183A, dated September 12, 1935, are approved, and the acquisition at the cost of the United States of all lands, easements, and rights-of-way needed for the Bluestone Reservoir project are hereby authorized.

#### UPPER MISSISSIPPI RIVER BASIN

The general comprehensive plan for flood control and other purposes in the Upper Mississippi River Basin, described in Flood Control Committee Document No. 1, Seventy-fifth Congress, first session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, is approved and there is hereby authorized \$6,600,000 for reservoirs and \$2,700,000 for local flood-protection works on the Upper Mississippi and Illinois Rivers; the reservoirs and local protection projects to be selected and approved by the Chief of Engineers: *Provided*, That this authorization shall include the enlargement and extension of a system of levees located on the south side of the Sangamon River east of the town of Chandlerville, Ill., as set forth in House Document No. 604, Seventy-fifth Congress, third session.

#### MISSOURI RIVER BASIN

The general comprehensive plan for flood control and other purposes in the Missouri River Basin, as set forth in Flood Control Committee Document No. 1, Seventy-fifth Congress, first session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, is approved and for the initiation and partial accomplishment of said plan there is hereby authorized \$9,000,000 for reservoirs; the reservoirs to be selected and approved by the Chief of Engineers.

#### WHITE RIVER BASIN

The general comprehensive plan for flood control and other purposes in the White River Basin, as set forth in Flood Control Committee Document No. 1, Seventy-fifth Congress, first session, with

such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, is approved and for the initiation and partial accomplishment of said plan there is hereby authorized \$25,000,000 for reservoirs; the reservoirs to be selected and approved by the Chief of Engineers.

#### ARKANSAS RIVER BASIN

The general comprehensive plan for flood control and other purposes in the Arkansas River Basin, as set forth in Flood Control Committee Document No. 1, Seventy-fifth Congress, first session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, is approved, and for the initiation and partial accomplishment of said plan there is hereby authorized \$21,000,000 for reservoirs; the reservoirs to be selected and approved by the Chief of Engineers: *Provided*, That this authorization shall include the Canton Reservoir on the North Canadian River in Oklahoma, as set forth in House Document No. 469, Seventy-fifth Congress, third session.

#### RED RIVER BASIN

The Denison Reservoir on Red River in Texas and Oklahoma for flood control and other purposes as described in House Document No. 541, Seventy-fifth Congress, third session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, is adopted and authorized at an estimated cost of \$64,000,000: *Provided*, That, because of the power features of this project, all lands, easements, and rights-of-way for the project shall be acquired by the United States and the local contribution for the flood-control portion of the project shall be in the form of a direct monetary contribution from States or political subdivisions: *Provided further*, That this contribution shall be a sum equivalent to 30 percent of the estimated value of the lands, easements, and rights-of-way assignable to the flood-control portion of the project, less the capitalized value of the \$62,000 excess value over charges given on page 63 of House Document No. 541, Seventy-fifth Congress, third session, all as estimated by the Chief of Engineers: *And provided further*, That in the consideration of benefits in connection with the Denison Reservoir all benefits that can be assigned to the proposed Altus project and other such projects in Oklahoma shall be reserved for said projects.

Hempstead County Levee District No. 1, Arkansas: Raising, enlarging, and extending existing levee system to improve flood protection in accordance with plans approved by the Chief of Engineers, at a construction cost not to exceed \$200,000.

Colfax, Grant Parish, La.: Remedial measures to stop serious bank caving and to improve flood protection at Colfax, La., in accordance with plans approved by the Chief of Engineers, at a construction cost not to exceed \$50,000.

Grant Parish, below Colfax, La.: Continuation of levees on east (left) bank of Red River below Colfax, La., to the north bank of Bayou Darrow to increase flood protection in Grant Parish, in accordance with plans approved by the Chief of Engineers, at a construction cost not to exceed \$71,000.

#### LOWER MISSISSIPPI RIVER

That in accordance with the recommendations of the Chief of Engineers, as set forth in his report of April 6, 1937, and published as Flood Control Committee Document No. 1, Seventy-fifth Congress, first session, paragraph 38 (b), except subparagraph (1), the project for flood control of the lower Mississippi River adopted by the act of May 15, 1928, as amended by the act of June 15, 1936, as amended, is hereby modified and, as modified, is hereby adopted, and there is hereby authorized to be appropriated in addition to the sums previously authorized \$40,000,000, to be applied for the purposes set forth in said document covering the said recommendations, with the exceptions mentioned, subject to the provisions hereinafter made.

That the Flood Control Act of June 15, 1936, as amended, is amended as follows:

"The United States may, within the discretion of the Chief of Engineers, irrespective of other provisions of law, proceed to acquire all flowage easements in the Morganza floodway and to construct said Morganza floodway. The United States may, within the discretion of the Chief of Engineers, acquire in said Morganza floodway titles in fee simple in lieu of flowage easements. Said Morganza floodway may, within the discretion of the Chief of Engineers, be modified as to its design and inflow.

"The said Morganza floodway may be initiated and constructed without delay; and the United States may, within the discretion of the Chief of Engineers, irrespective of other provisions of law, proceed to the acquisition of flowage rights and flowage easements in the Eudora floodway, and to its construction as authorized by existing law: *Provided*, That the intakes of such Eudora floodway shall include an automatic masonry weir with its sill at such elevation that it will not be overtopped by stages other than those capable of producing a stage of 51 feet or over on the Vicksburg gage: *Provided further*, That a fuseplug levee loop may be constructed behind said sill to prevent flow into the floodway until the predicted flood exceeds the safe capacity of the main river leveed channel, with a free-board of at least 3 feet, but said fuseplug levee may be artificially breached when in the opinion of the Chief of Engineers such breaching is advisable to insure the safety of the main river controlling levee line: *Provided further*, That the authority to acquire lands, flowage rights, and easements for floodways shall be confined to the floodways proper and to the northward extension of Eudora: *Provided further*, That within the discretion of the Chief of Engineers the guide-line levees of the

Eudora floodway may be extended south toward Old River: *Provided further*, That the Chief of Engineers is hereby authorized to construct the said Eudora floodway at such location as he may determine, in the vicinity of Eudora. The United States may, within the discretion of the Chief of Engineers, irrespective of other provisions of law, proceed to acquire flowage rights and flowage easements in the northward extension of the Eudora floodway, as authorized by existing law, provided that pending the completion of such northward extension all the Riverside fuseplug levee extending south from the vicinity of Yancopin to the vicinity of Van Cluse, Ark., and so as to connect with the existing levee of 1928 grade and section, shall be reconstructed to the 1914 grade and 1928 section: *Provided further*, That if the back protection levee is constructed prior to the construction of Eudora floodway it shall be connected with the main Mississippi River levee and subsequently connected with the Eudora floodway when constructed: *Provided further*, That the Chief of Engineers is authorized, in his discretion, to negotiate options, make agreements and offers with respect to lands, flowage rights, easements, and rights-of-way involved, as provided by law, at prices deemed reasonable by him.

"The United States, irrespective of other provisions of law, may, within the discretion of the Chief of Engineers, acquire flowage easements over all lands not subject to frequent overflow in the Atchafalaya Basin below the latitude of Krotz Springs.

"Said Morganza floodway shall not be operated until the Wax Lake outlet has been put into operative condition.

"The fuseplug levees at the head of the Atchafalaya Basin on the east side of the Atchafalaya River shall be reconstructed to the 1928 grade and section.

"The United States may, in the discretion of the Chief of Engineers, acquire all flowage rights, flowage easements, rights-of-way for levee foundations, and titles in fee simple as herein provided, either by voluntary acquisition or in accordance with the condemnation proceedings by the Secretary of War as provided for in section 4 of the Flood Control Act of May 15, 1928.

"In the event the United States acquires or owns title to any lands in fee simple under the provisions of the act of May 15, 1928, as amended and supplemented, the United States may retain the ownership thereof, or any part thereof instead of turning over such lands to the ownership of States or local interests as provided in section 4 of said act of May 15, 1928, and may lease such lands: *Provided*, That in the event the United States retains the ownership of such property, the United States shall annually pay to the States and local taxing subdivisions and authorities thereof a sum equivalent to the revenue that would be derived annually by such States and local taxing subdivisions and authorities, based on the assessed value at the time of taking of the properties so acquired and retained in ownership: *Provided*, That no part of the appropriations herein or heretofore authorized for said Morganza and Eudora floodways and extension shall be used for any other purpose."

Except as herein amended, the act of June 15, 1936, as amended, shall remain in full force and effect.

#### HOMOCHITTO RIVER

The project for flood control on the Homochitto River in Mississippi, authorized by the act of June 22, 1936 (Public, No. 738, 74th Cong.), is hereby modified to provide for additional channel improvements and related works for flood control in accordance with plans approved by the Chief of Engineers, and for the execution of these plans there is hereby authorized \$100,000.

#### SANTA ANA RIVER BASIN

The project for flood control in the Santa Ana River Basin of California, authorized by the act of June 22, 1936 (Public, No. 738, 74th Cong.), is hereby modified to provide for the control of floods on San Antonio Creek and Chino Creek in accordance with plans approved by the Chief of Engineers pursuant to preliminary examinations and surveys authorized by the act of August 28, 1937 (Public, No. 406, 75th Cong.), and for the initiation and partial accomplishment of these plans there is hereby authorized \$6,500,000.

#### WILLAMETTE RIVER BASIN

The general comprehensive plan for flood control, navigation, and other purposes in the Willamette River Basin as set forth in House Document No. 544, Seventy-fifth Congress, third session, is approved and for the initiation and partial accomplishment of the plan recommended for initial development in said document there is hereby authorized \$11,300,000; the reservoirs and related works to be selected and approved by the Chief of Engineers.

#### SPOKANE RIVER AND TRIBUTARIES

The protection of certain low-lying areas in Spokane, Wash., and Coeur d'Alene and St. Maries, Idaho, in accordance with plans approved by the Chief of Engineers pursuant to preliminary examinations and surveys authorized by the Flood Control Act approved June 22, 1936, and act of Congress approved March 18, 1938, is hereby authorized at an estimated cost of \$308,000.

#### MILL CREEK, WASH.

The plan for protection of the city of Walla Walla, Wash., and adjacent lands by means of a reservoir and related works in the watershed of Mill Creek, as set forth in House Document No. 578, Seventy-fifth Congress, third session, is approved and for the execution of this plan there is hereby authorized \$1,608,000.

#### YAKIMA RIVER, WASH.

The plan for protection of the city of Yakima, Wash., on the Yakima River, by means of levees as set forth in House Document No. 579, Seventy-fifth Congress, third session, is approved and for the execution of this plan there is hereby authorized \$163,000.

#### TANANA RIVER AND CHENA SLOUGH, ALASKA

The plan for protection of the city of Fairbanks, Alaska, and vicinity by means of an earth and rock levee and for the relocation of a portion of the Richardson Highway as set forth in House Document No. 561, Seventy-fifth Congress, third session, is approved and for the execution of this plan there is hereby authorized \$565,000.

Mr. McCORMACK (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that section 4 be considered as read but printed in the Record at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk completed the reading of the section.

Mr. FULLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULLER: At the end of line 12 on page 7 add the following: "*Provided*, That the dams or reservoirs herein authorized, and known as Lone Rock and Norfolk, shall not be constructed except for the dual purpose of flood control and the development of hydroelectric power; and because of the power features of these projects, all lands, easements, and rights-of-way for each of said projects shall be acquired by the United States, and the local contribution for the flood-control portion shall be in the form of a direct monetary contribution from the State, or political subdivisions, in a sum equivalent to 30 percent of the estimated value of the lands, easements, and rights-of-way assignable to the flood-control portion of the project."

Mr. FULLER. Mr. Chairman, I am very much interested in this bill. I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. The gentleman from Arkansas is recognized for 10 minutes.

Mr. FULLER. Mr. Chairman, as the members of this Committee well know, I have been very much interested in flood control and power development. I know from personal contact with the members of this committee that they have been in hearty accord with my theory. The only proposition that has presented any detriment has been the fact that the Army Engineers have not been able to complete a report on what is known as Wild Cat Shoals on the White River in my district, which is in the mountains and which possesses the greatest power and flood-control sites between the Alleghenies and the Rocky Mountains. This survey was authorized in 1936 and included Norfolk and Lone Rock on which reports are made.

For many years the utility trusts of my State, which also control Louisiana and Mississippi, have had a lease on what is known as Wild Cat Shoals. I have remonstrated with the Federal Power Commission and am sure it will decide next Saturday to revoke that permit.

Wild Cat Shoals on the White River has on the right and on the left what are known as the Norfolk and the Lone Rock Reservoirs that are included in this bill. They are all within a radius of 12 or 15 miles. Over half of the power we are using in Arkansas today is brought in from other States, and all our power interest is controlled by the utility companies. They charge us the most exorbitant and unreasonable rates of any place in the United States.

This one reservoir at Wild Cat Shoals will produce more power in a year than is consumed by the entire State of Arkansas. By the inclusion of these other two projects that are in this bill twice as much power will be produced as the entire State of Arkansas now consumes in a year.

I have a bill pending, with no action taken, before this Flood Control Committee, for a T. V. A. for the Middle West to principally include Wild Cat Shoals, Norfolk, and Lone Rock.

We have a flood-control commission in Arkansas as well as flood-control organizations. They are not interested in

the development of power in my district where these reservoirs are located, but their prime purpose, as their name indicates, is flood control for the benefit of other sections. Possibly they would like power connection with flood control but there is nothing in their testimony that would indicate such a desire. The Army engineers in their report state that Lone Rock and Norfolk are power sites and should be used for the dual purpose of flood control and hydroelectric power. Under such a program their testimony shows that Norfolk would cost \$20,700,000 and Lone Rock \$16,300,000, the flood-control costs in both being almost twice that of power. The acre feet covered by these two reservoirs was estimated at 1,350,000.

Their testimony discloses that Wild Cat Shoals would cost \$29,500,000, being practically \$8,000,000 cheaper than the two and that the acre-feet for flood control and power would amount to 2,455,000, almost twice the area of Norfolk and Lone Rock. In addition thereto the Wild Cat Shoals would produce more than twice as much power as the combined Norfolk and Lone Rock projects. But there is no late official report on Wild Cat Shoals and although the engineers have been endeavoring to make one they state it will still take some considerable time.

The House committee has recommended flood control only for the Norfolk and Lone Rock projects. If these dams were built for that purpose only they would be useless in the future for power purposes.

Mr. Chairman, when they gave me these two gift horses—to wit, Norfolk and Lone Rock—for flood control only, seeking thereby to satisfy me, I think I had the right to look into their mouths to see as to whether or not they were an asset or a liability. This I did, and I found that they were smooth mouthed, foundered, had spasms, and were worthless. If these reservoirs are forced upon me and upon my people, I assure you that you will never see them built and that no money will ever be available to construct them for flood-control purposes only. To do so would be to take lands off the tax books, with no provision for the Government or anyone else to bear the tax burden. It would create a breeding place for mosquitoes, leaving slimy banks and frog holes. There would be no water in the summertime for recreational purposes, as they would want the reservoirs empty to take care of the floodwaters. The only time there would be sufficient water for recreational purposes would be in the winter and in the spring, at times when it would be too cold to receive benefits from a big body of water. No benefits would be received locally.

The result would be to ruin Baxter County for the benefit of the southern territory and the satisfaction of flood-control organizations, the membership of which have no interest in Baxter County.

The committee seeks to satisfy me by saying that the dams will not be built if the people do not want them and by statements to the effect that if the Army engineers find that these sites contain power that they will be built for the joint purpose of power and flood control. The time to make the decision is now.

The amendment I have offered will not permit the building of these reservoirs for flood-control purposes without the development of hydroelectric power, and if the Army engineers do not approve of these sites for this dual purpose, then they would not be built under the bill or under my amendment. There is no doubt in my mind from the testimony of the Army engineers that these projects should be developed for hydroelectric and flood-control purposes. Then why not agree to this amendment? Why refuse simply because you fear others will want to add projects to the bill?

If you are only going to give me these two, then agree to my amendment, and when you do agree to my amendment you will be doing nothing more for me as a humble Member of the House than the same committee is doing for our distinguished leader, the gentleman from Texas [Mr. RAYBURN], in connection with his Denison Dam, to which he is entitled, and which merits the support of everybody in the House.

This committee says it is hog-tied by the Army engineers. I defy any Member to contradict my statement and give me the opportunity to answer, because I have the proof here. The Army engineers say that these are power and flood-control sites, inseparably linked together, and neither one of them should be built without the other. Not only that, Mr. Chairman, but more money has been spent investigating Wild Cat Shoals and these other two propositions than all the other projects set forth in the bill. The Army engineers' reports also show these three projects will be self-liquidating in less than 15 years for power.

Mr. Chairman, we can develop hydroelectric power that will sell for less than 5 mills, and I can get an agreement out of the utilities corporations of my State to buy every bit of it. They know we can develop this power, but first we have to have the power before we can sell it or create a market for it.

I know how hard it is to get around a committee. I know that at heart the members of this committee want me to have this, but they have taken the position that they do not want any amendments offered to this bill. They acknowledge the Army engineers dictated the bill and the report. It is generally considered as a matter of fact these engineers are opposed to power dams. The committee is trying to give me a gift horse which is unsound. Agree to my amendment and no one can truthfully say it is not right and proper. I assure you it will not cost the Government a thin dime at the end of 15 years. It will reduce the rate of 9 cents per kilowatt-hour in Arkansas down to a reasonable rate. You are taking away a flood-control and power site, and this means nothing more nor less than playing into the hands of the electric utilities. I do not believe the membership of this House favors such a proposition. As an experienced lawyer and from my experience with humanity, I know that if I could explain the matter to each and every one of you, in a short time there would not be a Member in this House who would oppose me. This is a compromise measure full of future promises. There are so many who have projects, or hope to obtain one, and others who have been receiving flood-control appropriations, I have no hope for the adoption of this amendment. I will live in hopes of more favorable action, knowing I can and will prevent the building of these dams for flood control only.

Wild Cat Shoals is the best site in the United States that I know anything about. The engineers are working on these two propositions at the present time, considering the matter for flood control and power. I know from their testimony and from personal contact they consider these three projects should be developed for the dual purposes of flood control and power. Any other recommendation will meet with failure.

Mr. LEAVY. Will the gentleman yield?

Mr. FULLER. I yield to the gentleman from Washington.

Mr. LEAVY. Do I understand the gentleman to mean that the flood-control project as now outlined and set forth in this bill will destroy for all future time the possibility of a hydroelectric development?

Mr. FULLER. Certainly it will, and I will tell you why. When you build for power and flood control combined, you have to build differently. The power is at the bottom of the dam. If you build a 220-foot dam, as is recommended to be built at Wild Cat Shoals, or 210 feet like you would build at these other places, the first 100 feet is for power. The rest of it is used for flood control. You have to decide how you are going to use that water before you build the foundation of the dam. It is just ordinary common sense. If you build a little 2 by 4 flood-control project and take away from my people an asset without returning to them any benefits just for the purpose of taking care of somebody in the southern part of the State or in the State of Mississippi or Louisiana, it will result in a great injustice being done. I have a just cause, which I will eventually win, especially when the Army engineers report, but realize when the cards are stacked against me. [Applause.]

[Here the gavel fell.]

Mr. WHITTINGTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Arkansas.

Mr. Chairman, this is not the time nor the place to undertake to determine the engineering features of any dam or reservoir. The members of the committee had available the best engineers at our command and we have tried to follow their opinions with respect to the engineering problems involved.

The committee will offer some perfecting amendments and will give consideration to all amendments, but the committee will continue to insist that only projects on which the Chief of Engineers has reported be approved.

We stated in the beginning that this bill would embody only the engineering features and the projects recommended by the Chief of Engineers. As the gentleman states, two reservoirs that are in his district along the White River are suggested. The gentleman lays down as his premise that he is opposed to them. I will relieve his mind by saying that if he and his people are opposed to these reservoirs he need have no concern, they will not be constructed. He need not give himself any undue concern about the Government's going in there over his protest and over the protest of the people of Arkansas and undertaking to build these reservoirs.

Mr. FULLER. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Let me first make my statement and I shall be pleased to yield.

May I say further that the bill under consideration, instead of absolutely preventing the use of reservoirs along the White River for hydroelectric power, makes provision that, if these reservoirs are constructed, pen stocks shall be installed in the very section under consideration, so that, if in the future power may be developed, provision will be made for it. This provision applies to all reservoirs.

What is the situation? With regard to the White River, where the local people down in the valleys, not up in the mountains, have expended millions of dollars for flood control, this bill provides that reservoirs may be constructed where the waters originate to detain the waters. If they are constructed, the lands will be acquired in the hills and in the mountains; otherwise they will not be constructed. The Chief of Engineers, as far as the White River is concerned, is given discretion to select \$25,000,000 of projects out of \$50,000,000 of projects that are named. The two reservoirs mentioned by the gentleman are estimated to cost \$20,000,000. If there is any sort of local protest or objection, the reservoirs will not be constructed.

This committee has not straddled. This committee has not dodged. This is primarily a flood-control bill. The Army engineers, supplemented and reinforced by a most capable civil engineer, have said that at the Denison Dam power can be economically provided for. In this bill we have provided for power there. The bill is primarily a flood-control bill, but it provides for the generation of power at the Denison Dam, and the same provision is made for the Bluestone Reservoir in West Virginia. These two are the only reservoirs included in this bill where provision is made for the present generation of power.

Four years ago the gentleman from Arkansas undertook to include the reservoir in a bill that some of you will recall. Efforts were made to include them in the act of 1936. The Congress was not prepared to do that, but when the gentleman appealed for dams built both for the generation of power and for flood control, and when others had appealed that their projects be included, the Congress in section 7 of the Flood Control Act of 1936 provided as follows:

The Secretary of War is authorized and directed to continue surveys, studies, and reports at the following-named localities where, according to the surveys and estimates already made, opportunities appear to exist for useful flood-control operations.

[Here the gavel fell.]

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTINGTON. The first of the seven or eight reservoirs named in that section adopted by the Congress 2 years ago is Table Rock Reservoir, and the fourth one mentioned is Wild Cat Shoals in the gentleman's district. The Denison Reservoir was not included 2 years ago in the act of 1936, and properly so, because the Corps of Engineers stated they were not prepared to recommend its inclusion. Since this act was passed directing the Army engineers further to investigate Denison and Wild Cat Shoals and the reservoirs along the White River, the Corps of Engineers have submitted a report on the Denison project, and the Committee on Flood Control has followed the Corps of Engineers. Appropriations have been limited, and they need more appropriations for examinations and surveys. They have said they have under consideration a reservoir that is both power and flood control. From my information, I agree that the power potentialities along the White River are great.

When the report for the construction of the reservoir in which the gentleman is interested comes on for consideration, and if it provides for power and flood control, I shall insist that the same provision be made for that as is made for the Denison or other reservoirs where multiple use is provided for; but until and unless the committee has the benefit of an investigation and report upon which we can base a recommendation to the Congress, I respectfully urge that my good friend the gentleman from Arkansas be as good a sport as was the gentlewoman from Massachusetts and be as good a sport as were the gentleman from Ohio and the gentleman from Arkansas, the gentleman's colleague, who asked us to adopt this amendment, and who is interested in reservoirs on other streams, and withdraw his amendment so we can embrace in this bill only the projects which have been investigated and reported by the Corps of Engineers.

Mr. FULLER. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Arkansas.

Mr. FULLER. I told the gentleman I would eliminate the Wild Cat Shoals proposition and forget about it, but do not try to leave the impression that the engineers and the Army engineers who testified before the gentleman's committee did not testify on these two projects. The gentleman is trying to make them appear as solely for flood control. They designated them before your Flood Control Committee and divided them as between flood control and power both and said they ought to be built that way.

Mr. WHITTINGTON. Mr. Chairman, I want to say to the gentleman in all fairness that I am not trying to leave any impression except to present the facts that were presented to my committee. I am not trying to give the Committee of the Whole House here any facts except those submitted by the Corps of Engineers. The Corps of Engineers wrote the language that includes the two reservoirs the gentleman has in mind. If what the gentleman has said is true, we have adopted that language, but they said these reservoirs would provide primarily for flood control. I may say that under section 2 of this bill if there is one river in the United States where the local contribution will be smaller than on another river, it will be on the White River, because 70 percent of the local contributions down there make the local contributions on the White River smaller by far than on most other rivers in the United States. Furthermore if these reservoirs are to be constructed, this is a 5-year period and provision will be made for power, if practicable, and if it develops there, while this other and larger reservoir is under consideration, that these reservoirs should be constructed and power development should be provided for, I am sure the Chief of Engineers will do in that case what he has done in other cases and delay the construction and ask for a modification of the project, because the Chief of Engineers is just as anxious to protect the consumers of the

country and the citizens of the United States as any member of this committee.

So in the circumstances, Mr. Chairman, I do urge that having accorded to the gentleman the same consideration that has been accorded to every other Member of the House, unless you mean to modify this bill in one particular and give the gentleman consideration not accorded to others, unless you mean to adopt an engineering feature here that would destroy the bill as respects these two reservoirs which may not be constructed and will not unless the gentleman desires them, I respectfully urge that this amendment be voted down. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. FULLER].

The question was taken; and on a division (demanded by Mr. FULLER) there were—ayes 9, noes 40.

So the amendment was rejected.

Mr. WHITTINGTON. Mr. Chairman, I offer a committee amendment. There is a typographical error on page 8, where the document referred to is numbered 569 instead of 469.

The Clerk read as follows:

Committee amendment offered by Mr. WHITTINGTON: On page 8, line 1, strike out the figure "5" and insert the figure "4."

The committee amendment was agreed to.

Mr. WHITTINGTON. Mr. Chairman, I offer another perfecting committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. WHITTINGTON: On page 12, in line 3, amend by striking out the word "Van" and inserting in lieu thereof the word "Vaugh."

The committee amendment was agreed to.

Mr. WHITTINGTON. Mr. Chairman, I offer another committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. WHITTINGTON: On page 15, line 18, after the word "works", strike out the following: "in the watershed of Mill Creek."

Mr. WHITTINGTON. Mr. Chairman, I may say this is a perfecting amendment suggested by the Chief of Engineers.

The committee amendment was agreed to.

Mr. McCORMACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCORMACK: On page 4, after line 16, add a new paragraph, as follows:

"In case of any dam and reservoir project heretofore or herein authorized for the Connecticut River Basin and the Merrimack River Basin, which in the judgment of the Secretary of War can be economically used for the development of hydroelectric power, all lands, easements, and rights-of-way for such project shall be acquired by the United States or by local agencies and conveyed to the United States, and the local contribution for such project, whether in the form of direct monetary contributions or otherwise, shall be equivalent to 30 percent of the estimated value of the lands, easements, and rights-of-way assignable to the flood-control portion of the project. The Secretary of War is hereby authorized and empowered to proceed forthwith with the acquisition of necessary lands, easements, and rights-of-way and/or the construction of all such dam and reservoir projects."

Mr. WHITTINGTON. Mr. Chairman, I make the point of order against the amendment. It is not germane to the section. I shall be very glad to reserve the point of order if the gentleman desires so that he may be heard, because I am interested in the proposition.

Mr. McCORMACK. Mr. Chairman, if the gentleman is interested to hear what the purpose of the amendment is, I do not want to take up the time of the committee if he is going to press the point of order.

Mr. WHITTINGTON. I shall have to do that in order to protect the bill.

Mr. McCORMACK. If the gentleman is going to insist on the point of order I do not want to take up the time of the committee. I shall argue the point of order.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. WHITTINGTON. Mr. Chairman, this amendment which I never saw, and which so far as I know the com-

mittee has never seen, is an amendment, and I say this with due deference, which was drawn rather hastily.

Mr. McCORMACK. If the gentleman wants me to withdraw the amendment now I should be very glad to do so and then offer it later after submitting it to the gentleman, I would be only too glad to collaborate.

Mr. WHITTINGTON. I ask the gentleman to take his own course.

Mr. McCORMACK. The gentleman I know is interested in the objective that this amendment seeks to bring about. This is nothing new. It enables us in New England who are circumscribed with the unfortunate situation with reference to compacts, to accomplish something that the 1936 act and the present bill will permit us to do. It does not cover any new question. I should be very glad to withdraw my amendment with the understanding that before debate closes on this section I would have the opportunity to offer it.

Mr. WHITTINGTON. Let me make this statement. The section under consideration insofar as the Connecticut River Basin is concerned, deals with the flood-control problem as stated by drainage basins, and makes provision only for local protective works along the Connecticut River. They are named to aggregate the sum of \$11,524,000. No provision is made for the construction of reservoirs in this section of the bill. Provision was made 2 years ago for the building of reservoirs, and the reservoirs referred to in the gentleman's amendment are reservoirs that are not provided for in this bill, but are reservoirs provided for in another act. The gentleman seeks to change existing law by undertaking to amend the section under consideration which deals only with local protective works, so as to inject a matter that is now covered by other bills pending in this body. In other words, to refresh the Chair's memory, under the Flood Control Act of 1936, where reservoirs are constructed in one State and the benefits are primarily in another State, it is provided that compacts may be negotiated among the States or between them if there are but two, so that the cost of the acquirement of the land and the rights-of-way may be adjusted by the different States. Such compacts were negotiated by the States in New England. Those compacts were submitted to the Committee on Flood Control. They dealt only with reservoirs and had nothing to do with the local protective works. The Committee on Flood Control reported those compacts to this House with amendments constituting reservations to the compact.

That is an entirely different piece of legislation. I stated this afternoon in the absence of the gentleman from Massachusetts [Mr. McCORMACK] that this legislation did not deal with the matter of compacts, that it did not interfere with the approval of those compacts as the Congress might determine, and I further made the statement on my own responsibility that under section 2, not under section 4, because of the reduced local contribution, the New England reservoirs might be constructed under a gentleman's agreement. The gentleman's amendment, without going into the question now of the title of these reservoirs, changes entirely the law of 1936, undertakes to modify existing law by vesting the title to the reservoirs in the Government, rather than in the local interests, and undertakes to provide for power, when the reservoirs adopted make no immediate provision for the development of power; so that I say in all the circumstances that the amendment has no place here and is not germane to the section or the bill under consideration.

I repeat, with the Chair's permission, that I am in sympathy with the gentleman's objective and I want to cooperate in every way, but I cannot in any circumstances—and I am sure I speak the sentiment of my committee—undertake to agree that this matter here—

The CHAIRMAN. The Chair interrupts the gentleman to suggest that the merits of the amendment are not now before the Committee. The Chair is undertaking to hear the gentleman upon the question of the amendment itself as to whether it is in order.

Mr. WHITTINGTON. I understand that thoroughly, and I thought probably a statement respecting the facts might be of benefit to the Chair on the point of order.

The CHAIRMAN. That may be in order later, but it is not in order now.

Mr. WHITTINGTON. This section, if the Chair please, deals only with local protective works along the Connecticut River, and does not make any provision for the establishment of a power policy with respect to reservoirs, and no reservoirs are provided for in the section. I submit the amendment is not germane to the section.

I may say that the plan of this legislation was to treat each basin separately and by itself; so I insist that the amendment is not germane.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. McCORMACK. Yes; Mr. Chairman.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. McCORMACK. Mr. Chairman, it is very evident to me that the gentleman from Mississippi, when he addressed the Chair in support of his point of order, did not have in mind the fact that this bill covers many projects. It is not a bill confined alone to the Connecticut River. If it were a bill confined alone to the Connecticut River, it might be true that another project might not be germane; but this is a bill which contains many flood-control projects and an amendment is not limited to one project. I submit that the rule is that where two or more subjects are contained in a bill a third subject related thereto is pertinent and germane to the bill and may be offered as an amendment.

My friend talks about compacts. There is nothing about compacts in my amendment. My amendment does not relate to compacts in any way. The amendment relates to flood control. The gentleman says there is nothing in the bill with reference to power. All through this bill runs reference to power; for instance, the Denison project, in which Texas, Oklahoma, and other States—but those two in particular—are interested. The very principle of the amendment I have offered in relation to projects already authorized by law is incorporated in the principle this bill applies to the Denison Dam. I respectfully submit that the amendment is not only in order to the bill but is in order at this particular place and to this particular section.

The CHAIRMAN (Mr. UMSTEAD). The amendment offered by the gentleman from Massachusetts deals with matters covered by the bill under consideration. The Chair therefore overrules the point of order.

The gentleman from Massachusetts is recognized for 5 minutes.

Mr. McCORMACK. Mr. Chairman, if the gentleman from Mississippi wants me to withdraw the amendment at this time, but consider it later, I shall be glad to do so, for I want to cooperate as fully as possible.

Mr. WHITTINGTON. I may say that if we are to consider it I know of no better time than the present.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Chairman, this problem is very serious to many sections of our country that are visited by floods, and it is of concern to all of our people whether they are visited by floods or not. My position in connection with this problem is not due to the fact that my district is visited by floods. Fortunately my district has not had any floods. We have a little river there that once in a while overflows its banks, but we have no flood problem. I have interested myself in this legislation because I like to look at things from a national and not from the limited viewpoint of the part of the country in which I was born and in which I live. I like to look at things from a broad national angle. So far as the flood problem is concerned, I have always taken the position that this is a challenge to the Federal Government and that

at least so far as dams and reservoirs are concerned—and I do not confine myself to them, but so far as the debate today is concerned, at least, so far as dams and reservoirs are concerned—the Federal Government should have met the challenge by a 100-percent appropriation, not only for the purchase of lands but for the construction of the projects. Recently I appeared before the Committee on Flood Control and stated my views. I introduced a bill for that purpose. I have conferred with the Chief Executive. Conversations with the Chief Executive, of course, cannot be disclosed in the absence of his permission. I have met no one who is opposed to the principle of my bill.

So far as the pending bill is concerned, the Committee on Flood Control has done as good a job as it can under the circumstances. Recognizing the practical situation that confronted them, in no way departing from my conviction as stated in the bill that I have filed, but in recognition of the fact that the committee has come as close to the 100-percent contribution on dams and reservoirs as they can under the circumstances, I am not offering any amendment, nor shall I offer any amendment, providing for a 100-percent payment by the Federal Government, so far as dams and reservoir projects are concerned.

I compliment my friend from Mississippi and I compliment the Committee on Flood Control, Democrats and Republicans alike, for the work they have done in bringing out this bill which represents marked progress over existing law.

Under the Flood Control Act of 1936, the first time the Federal Government entered into the field of dam and reservoir projects—the Federal effort prior thereto being confined to the building of levees and canals—the first time the Federal Government recognized it as a Federal problem, we provided for 100 percent local contribution so far as the purchase of the site was concerned.

The 1936 act for all practical purposes is a dead letter. It has not accomplished its purposes because the local communities cannot raise in most cases the amount they are supposed to raise under that act. Furthermore, the question of title is involved and there are also administrative difficulties, which, with the other two, practically prevented the 1936 act from obtaining its objective.

This bill represents a decided step forward and I am in favor of it. I am for the bill. What does my amendment do? I briefly stated my position with reference to the bill so that the Members present will understand my state of mind, that in offering the amendment it is not as an enemy of the legislation but as a friend to the legislation. Having in mind the national viewpoint, having in mind I am interested in Texas, Oregon, Washington, Ohio, Pennsylvania, and other flood areas, I know you also are interested in New England and our problems.

We have two rivers in New England, the Merrimack and the Connecticut. When those rivers overflow they cause tremendous damage. New England is very thickly populated. Property values are high, and the harmful result of floods in the New England area are disastrous, not only to life, not only to the happiness of those who live in the districts, but to property values as well.

Mr. CARLSON. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Kansas.

Mr. CARLSON. If the gentleman will permit, I would like to read one sentence from the statement or letter submitted by the President of the United States dated April 28, 1937, addressed to the chairman of the Committee on Flood Control:

One other subject remains, the participation of State and local authorities in the cost of any of these projects. It is my belief that for many reasons the Federal Government should not be charged with the cost of the land necessary for levees, dams, and reservoirs.

That is a statement sent to this committee, and we had it in mind when we drew this legislation.

Mr. McCORMACK. The gentleman will notice I said nothing that constitutes a criticism of the committee in connection with this bill. I have expressed my own personal

views, and I am not departing from my views. I compliment the committee for what it has done, the progress made, and stated that I would support the legislation. I come back to my amendment.

As a result of the 1936 act Massachusetts, Connecticut, Vermont, and New Hampshire entered into a compact. New Hampshire and Vermont have important sites located in those States which are of benefit to Massachusetts and Connecticut. Under that compact Massachusetts agreed to pay 50 percent of the cost and of the maintenance, Connecticut 40 percent, New Hampshire 5 percent, and Vermont 5 percent.

There was injected into that compact, and I am not criticizing anyone, certain provisions which the representatives of the Federal Government are opposed to. That compact for all practical purposes is dead. Unless something is done, the dam and reservoir projects authorized in New England under the 1936 act cannot receive the benefit of this legislation.

Mr. Chairman, my amendment applies only to projects the construction of which we have already authorized. There is not a new project contained in my amendment. What does my amendment do in order that New England might get some benefit out of this, or possibly get some benefit out of projects already authorized and intended to be constructed? This is necessary for the peace and happiness of the people of that great area. All I ask is to have incorporated in this bill the very thing the committee has recommended with reference to the Denison Dam in Texas.

In other words, allow the New England States interested to contribute their 30 percent to the cost of the purchase of land, pay it to the Federal Government, and the Federal Government take title to the sites necessary for the construction of the dams with power possibilities. When they take title to those sites it will leave Massachusetts and the other States in the situation where they can make agreements on the payment of taxes and on the maintenance of projects that are not turned over to the Federal Government. That settles for all practical purposes, so far as we can at the present time, the question that confronts New England so far as these projects are concerned. If the amendment is adopted, we will have done everything that we can do at the present time. It will then be left to the States to make their arrangements among themselves on the apportionment of the 30-percent contribution, taxes and maintenance, and then New England will be able to get some benefits out of this legislation so far as the authorizations of 1936 are concerned, which that section cannot get at the present time.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. As I understand, under the provisions of the gentleman's amendment the power rights and all rights if these reservoirs are built would be taken over by the Federal Government?

Mr. McCORMACK. If the Federal Government later decides to do so, the Federal Government would have to come in and get additional legislation specifically authorizing it. That would be the effect of my amendment, just the same as in connection with power projects, the Federal Government can only act when it receives additional authorization.

Mrs. ROGERS of Massachusetts. Does the gentleman feel that we Members of Congress from Massachusetts and New Hampshire ought to take away the right and the title to this property when the State Legislatures of New Hampshire and Massachusetts and the Governors of those States, have

gone on record against that? What is our duty in that respect?

Mr. McCORMACK. I am concerned with the protection of the life and property of the people. My first concern is the people in the flood areas, which includes the gentlewoman's area. I am fighting for the people of your district and other districts in New England, as well as throughout the country. The Federal Government cannot take power without additional legislation and they have that right now.

Mr. McCORMACK. In other words, they can do it now. We give to the Federal Government by my amendment no greater right than it now possesses, but we give to New England an opportunity to get some benefits from this legislation.

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Will the gentleman accept an amendment which provides for local construction? For instance, at Lowell we will need local construction.

Mr. McCORMACK. I am glad the gentlewoman brought up that point. My amendment will, from a practical angle, apply only to two dams, whereas the gentlewoman and I know the Army engineers said there is potential power but it is not economically feasible to develop it on these two sites. This will enable the States to go ahead on the other dams which are included in the compact.

Mrs. ROGERS of Massachusetts. That does not take care of the local situation, which is vital. I know it is vital at Lawrence and at Lowell. Those two dams will not begin to take care of the situation.

Mr. McCORMACK. But you do not have anything under the present bill, not because it is the fault of the committee, but because of the compact. This amendment is to try to circumvent the situation the compact has created, in order that New England may get something on the 1936 authorization.

Mrs. ROGERS of Massachusetts. If we had passed the bill regarding the compacts last year we would have had protection today.

Mr. McCORMACK. That is water over the dam. We are confronted with a practical situation. The only way New England can possibly get anything out of this bill is through the adoption of this amendment.

Mr. SMITH of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Connecticut.

Mr. SMITH of Connecticut. There has been a great controversy over whether there are any real power potentialities in these dam sites. The reports of the Army engineers indicate very little potentiality. This amendment will put it up to the Secretary of War to determine that now, and will at least bring the question to a head now.

Mr. McCORMACK. And it is the only way New England can get any consideration of the projects already authorized in the 1936 act.

[Here the gavel fell.]

Mr. BATES. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 1 additional minute so I can ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. I yield to the gentleman from Massachusetts.

Mr. BATES. This issue is of vital concern, of course, to us all on the Merrimack and also on the Connecticut River, but is it not a fact that the impasse at which we now find ourselves, where we are again threatened with floods, is brought about by the joint action of the four legislatures of New England, approved by the four Governors of New England? If we are going to change this thing is it not the duty of the legislatures first to bring about this change, and not the Congress?

Mr. McCORMACK. Oh, no; we have a perfect right to, and we are doing here everything we possibly can.

Mr. BATES. We are not ratifying the compact of New England.

Mr. McCORMACK. That is another question. The gentleman knows my position. The compacts probably will not be ratified, and if they are not, we will not get anything unless some action along the lines of my amendment is taken. That is the only way New England can get any consideration; and the gentleman knows it, or ought to know it.

Mr. BATES. No; I do not know it.

Mr. McCORMACK. What I am interested in, what I am concerned about, is the protection of the people so far as we can, of all flood-affected areas. I sympathize with them in their position. My amendment is an effort to extricate New England out of its present position, which the compact, whether rightly or wrongly, caused, and to secure for the people of New England flood-affected areas protection.

[Here the gavel fell.]

Mr. FERGUSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. FERGUSON. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. I am wondering if we can reach an agreement on limiting the time of debate. Six Members have indicated their desire to be heard, as I understand.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 40 minutes.

Mr. RANKIN. Reserving the right to object, Mr. Chairman, am I included in that number?

Mr. WHITTINGTON. Yes. Of course, the Chairman is the final judge of who shall be recognized.

The CHAIRMAN. The Chair does not have a list of those who desire to be heard.

Mr. WHITTINGTON. In order that there may be no misunderstanding, I should like the Chair, if he will do it, to get a list of the Members desiring recognition, because I do not want to deprive anybody of the opportunity to be heard on this amendment.

Mr. Chairman, I withdraw the request for the present.

Mr. FERGUSON. Mr. Chairman, I was a member of the Committee on Flood Control that reported House Joint Resolutions 493 and 494, the compacts to which reference has been made. In the last 2 days, on my own volition, I took up this proposition with the New England Members. I pointed out to these Members that the Committee on Flood Control had established in the case of Denison a policy of allowing the local interests, where the question of power is involved, to contribute 30 percent of the cost of the lands and rights-of-way, and having the Federal Government purchase the land and own and operate the power plant. I not only called it to the attention of the New England Members but I called it particularly to the attention of the Member who offered this amendment today, with the hope the New England compacts would be amended by just exactly the provision the gentle-

man from Massachusetts proposes to add to this bill; but this bill is not the place for this amendment. If it were a case of legislation being piled up in the committee and his not having an opportunity to offer the amendment to the legislation to which it belonged, it would be a different matter, but these compacts which bear the name of the gentleman from Massachusetts are reported out of the Committee on Flood Control and are now on the House Calendar and can be brought before this body whenever the Committee on Rules gives them a rule.

Now, why should there be in the compacts this reservation allowing the Federal Government to build and operate 100 percent projects where power is involved? In 1936 the Flood Control Committee brought in a bill, and the House passed it, authorizing certain works on the Merrimack and Connecticut Rivers. Four State legislatures met and agreed on what portion of the cost of the land and the rights-of-way Massachusetts, Connecticut, Vermont, and New Hampshire should pay. These legislatures created a commission and provided means of financing the maintenance and operation of these projects as now provided in the law. They provided a method of raising money to reimburse the communities for taxes lost because of the construction of these dams. This machinery is all set up in the compact. There can be no possible objection from anyone if this compact is brought out and this new principle that is being offered here today is embodied in the compact, and you do not throw over the machinery that can be put in operation and has been put in operation by these compacts.

Now, what can be the effect of the amendment offered by the gentleman from Massachusetts? If Massachusetts, under his amendment, decides to build reservoirs up in New Hampshire or Vermont or Connecticut, regardless of what the people in Vermont or New Hampshire or Connecticut want, by contributing 30 percent of the cost of the land and the rights-of-way to the Federal Government they can force those projects on Vermont or New Hampshire regardless of whether they want them up there or not.

Now, if there were any tendency on the part of Vermont and New Hampshire to act as an obstructionist to the construction of these flood-control works, then such an amendment might be justified; but here we have the first example of four States, four legislatures, four Governors—and I have here a letter from the Governor of Vermont, from the Governor of Connecticut, and from the Governor of the Commonwealth of Massachusetts, all saying that they would like to see the compact brought up and ratified by Congress.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. FERGUSON. No; I cannot yield now. I will yield a little later.

If this amendment belonged in this bill, certainly I would not oppose it, because I think it is a solution of the problem. I think it is the answer, but why throw the compacts overboard when they can be amended by this same language, and at the same time you will have all the beneficial features of the compact?

Mr. CASEY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FERGUSON. I yield.

Mr. CASEY of Massachusetts. Is it not true that if these compacts are amended by us down here in the Congress, they will have to go back for the ratification of the four legislatures, and that would involve a long, tedious process?

Mr. FERGUSON. Certainly not.

Mr. CASEY of Massachusetts. Why not?

Mr. FERGUSON. I questioned the Governor of Vermont and the representative of the New Hampshire Water Control Commission, Mr. John Jacobson, at the hearing this year, and I said this: "If only those projects dealing with flood control were to be built, since power has been injected into this, would you be willing to go ahead and pay even 100 percent of

the lands and rights-of-way for the construction of those dams?" And they said they would be willing to do that and could do it under this compact as drawn.

Mr. CASEY of Massachusetts. But would it not have to go back to the legislatures, nevertheless?

Mr. FERGUSON. They said not.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. FERGUSON. I yield to the gentleman.

Mr. WHITTINGTON. I should like to ask the gentleman this question: If this amendment were adopted, would it not be necessary for the New England States to enter into compacts and for those compacts to be approved by Congress? And I am just wondering if we are getting anywhere except delaying flood control.

Mr. FERGUSON. It will be just starting on the old circle of refusing to ratify the existing compact and demanding new compacts be drawn, when the present compacts will serve the purpose.

Mr. SMITH of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. FERGUSON. I yield.

Mr. SMITH of Connecticut. Would not this amendment do one thing, and that is, bring this question of existence of power potentialities at these sites to a head and instruct the Secretary of War to decide that now? Is not that the thing that has been holding us up on these compacts, whether it is justified or not?

Mr. FERGUSON. Undoubtedly it is; and, as I say, this exact language was proposed by me. I think it is the solution, but certainly it belongs in the compact and not in this flood-control bill.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. FERGUSON. Yes.

Mr. PHILLIPS. Does the gentleman subscribe to the proposition of United States development of power?

Mr. FERGUSON. Certainly.

Mr. PHILLIPS. Then why is the gentleman opposing it here?

Mr. FERGUSON. I have tried to the best of my ability on many occasions to inform the gentleman of my stand, but he evidently cannot understand it.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. FERGUSON. Yes.

Mr. RANKIN. Does the gentleman realize that the same arguments he is making against this amendment were made against the Muscle Shoals development in the beginning and against the creation of the Tennessee Valley Authority?

Mr. FERGUSON. I am heartily in favor of the amendment, but it should be put in the compact and not in this bill.

Mr. RANKIN. We have no right to amend a compact made by a State. This is a national legislative body, and here is where we legislate and not in Connecticut or New Hampshire.

Mr. FERGUSON. We certainly can put a provision in a compact.

Mr. RANKIN. Let me say to the gentleman from Oklahoma that that compact is a treaty between those States up there.

Mr. FERGUSON. The compact is not only before the House, but it is out of the committee and is on the calendar.

Mr. RANKIN. But we cannot amend it and say to these States what they shall put into a compact. We can protect those States by putting this power in the hands of the Federal Government.

Mr. FERGUSON. The gentleman will admit that if we put in a provision that requires any project that contains power to be 100 percent owned and operated by the Federal Government, they could either meet those provisions or not build the project.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent that all debate upon this amendment, and all amendments thereto close in 45 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CASEY of Massachusetts. Mr. Chairman, I think a brief history of the controversy waging up there in New England might be of benefit and enable the members of this Committee to vote with intelligence on the McCormack amendment. These compacts which came down to us from the four New England States came about as a result of the 1936 Flood Control Act. That act had nothing to do with power and merely made provisions that the States could get together and allot various contributions in order to furnish land and easements and rights-of-way on which these dams could be built. Under that power the four States—New Hampshire, Vermont, Massachusetts, and Connecticut—drew up compacts, which were ratified by the legislatures and which they sent down here.

Then, to the great surprise of some of us down here, those compacts, which should have dealt exclusively with flood control, had a provision in them which preserved the title to the power dams, or any other dams, in the States where erected. Mark you, the first time that power came into this discussion was when it was inserted in the compacts. The gentleman from Oklahoma [Mr. FERGUSON] says that we can make reservations down here changing the compacts, but any gentleman at all conversant with the law knows that any change that we may make in those compacts must go back to those States. Therefore, the only way that we can get any relief—any immediate relief—without going through the tedious process of going back to the State legislatures and bringing up this discussion and problem again is through this amendment and all it provides.

It is something that the Power Commission is in entire accord with. It provides immediate flood relief for New England, but, in addition, it sets forth what we believe to be the law of 1936 with clarity. In other words, under that act it may be questioned as to who would have title to these dams, the Federal Government or the State. The Power Commission contends that the title would be in the Federal Government. The States contend that it would be in the States. Under the McCormack amendment that is clarified for all time because it expressly sets forth that the title would be in the Federal Government, where the power is developed by the Federal Government, and that is where the title should be when the Federal Government develops the power. I hope the amendment will be adopted.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Massachusetts. Yes.

Mr. WHITTINGTON. Assuming that this amendment were adopted, would it not be necessary to have other compacts up there?

Mr. CASEY of Massachusetts. We put the burden back on the States, which they are now seeking to put on the Democratic Members of Congress. If we proceed with these dams, and if they do not want to pay the seven and a half contribution, then the consequence for that would be on those who advocate the compact.

Mr. WHITTINGTON. At the same time I do not want to kill the flood-control bill by tying it up.

Mr. CASEY of Massachusetts. I do not see where it would hurt the flood-control bill at all.

Mr. KOPPLEMANN. Mr. Chairman, I appreciate, as does every Member from New England, what the Flood Control Committee has done in presenting the bill before us today. I know the sincerity of its chairman and its membership. Unfortunately the committee membership does not appreciate

as we, and as the people of Connecticut appreciate, that we are confronted with a situation that no one on either side of this House would advocate or approve; namely, a situation whereby under the flood compact drawn up by the New England States, we give for 999 years to the private utility companies of New England, control over power projects that may be built by the people, in other words, by the Federal Government. That is the situation with which we are confronted in New England. When the 1936 Flood Control Act was passed, a commission from each of the affected four States of New England was appointed. There crept into those commissions some very able gentlemen. My time will not permit me to go into it now, but the RECORD in Congress will disclose a speech that I made giving the names and the connections of men on the commissions who were directly connected with private utility companies. I gave the names and I gave their connections and it is all in the RECORD.

The Flood Control Act of 1936 gave no authority to inject the question of power, but utility interests working with these flood commissions saw in the catastrophe that hit our people in New England an opportunity for themselves. Like scavengers they saw in the flood wreckage which engulfed New England an opportunity to steal from the people their power rights for 999 years. This amendment will clear up that situation to the benefit of the people.

I sympathize with the chairman of the Committee on Flood Control. He wants to protect his bill. I submit, however, that nothing in this amendment would in the slightest degree vitiate a single point of this bill.

Mr. FLETCHER. Does the gentleman mean for 999 years, 1,000 years practically?

Mr. KOPPLEMANN. Nine hundred and ninety-nine years; yes, practically 1,000 years. They had the audacity to put that provision into the compact. It is claimed that the legislatures of the four States did not know what they were doing. The Governor of Massachusetts has already disavowed it. My Governor has said that he would go along with the administration. The administration knows the facts. That compact is dead. If you were to pass it the President would veto it.

Mr. FLETCHER. And he ought to veto it.

Mr. KOPPLEMANN. It would be against public conscience for any man to support it as it is written.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. KOPPLEMANN. I yield.

Mr. GREEN. Unless it is included in this bill is there not doubt that it will be passed?

Mr. KOPPLEMANN. That compact is dead. Even though they brought it up in the Senate and tried to pass it, it is tied up, it is dead.

Mr. GREEN. And this is the only hope of getting it through.

Mr. KOPPLEMANN. This is our one hope, and if this amendment is included in the bill we will force those who slipped that 999-year clause in the bill to back water and the people will retain their rights.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KOPPLEMANN. I yield.

Mr. MARTIN of Colorado. I sympathize deeply with the gentleman's position, but I do not feel, after this bill has been in committee for weeks and weeks, that this important matter should be thrust on us here without any warning under the 5-minute rule.

Mr. KOPPLEMANN. The committee knows about this, I would say to the gentleman.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. KOPPLEMANN. They have known about this for over a year. I yield.

Mr. WHITTINGTON. Not of the details in this amendment or any amendment—

Mr. KOPPLEMANN. But the gentleman was acquainted with the subject and the purposes of this amendment; the committee understood it.

Mr. WHITTINGTON. Exactly; and the committee put in the bill a reservation that kills the 999-year clause because we are in sympathy with the gentleman's views.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. CLASON] for 5 minutes.

Mr. CLASON. Mr. Chairman, frankly, I am more interested in getting flood control in the Connecticut River than in any other question involved in this bill. Because I believe that this amendment jeopardizes flood control if put in this bill, and jeopardizes the passage of the bill and the carrying out of the great projects which it represents, I am against this amendment.

Let us look at this amendment which is offered. It would undertake to do something which is different from what these four New England States have agreed to do under the present compacts. It asks these States to enter into two more compacts with two compacts already existing covering the same subject matter. This amendment requires these States in some way to agree among themselves on a 30-percent contribution as to the cost of the flood-control portion of two dams which have been mentioned on the Connecticut. There are just two dams—and this was recognized by the author of this amendment—which have any power possibilities in them at all on the Connecticut River. So far as these two dams are concerned the engineers for the Army have testified before the Committee on Flood Control that in their opinion no power can economically and feasibly be generated at any dam site on the Connecticut River. That is the actual situation.

What are the facts? There are seven cities and towns on a 40-mile stretch of this river which in the flood of 1936 lost over \$100,000,000. They are vitally concerned that this bill shall pass.

Why should we inject this amendment into the debate? Why not make it a separate clear-cut issue in connection with some other bill when it can be properly presented after full hearings?

We all know that the Governor of Vermont, Mr. Aiken, came down here and told this committee they did not want these dams up there in his State owned by the Federal Government. Governor Murphy, of New Hampshire, has stated that the legislature of his State would not agree to any compact that transferred title to the Federal Government. Therefore this amendment can be of no practical avail, but as Chairman WHITTINGTON says, may be sufficient to kill this most important bill.

As for the 999-year clause, contained in the present compacts, I think the gentleman from Connecticut can take a lot of credit to himself for the fact that those compacts have not already been ratified by this Congress and that those reservoirs have not been built.

Mr. KOPPLEMANN. My name having been mentioned I think the gentleman should yield.

May I ask the gentleman, is he in favor of the compact with the 999-year clause in it? Is he in favor of that?

Mr. CLASON. That 999-year lease is from the title owners, the States, to an authority established by the States. That is what it is. That authority will continue for 999 years. The States will continue to own the reservoirs subject to a lease to their own agency, the authority, which is created solely to facilitate operation and management. There is not any power on the Connecticut River, according to the engineers, but whoever might buy this mythical power would have to buy it at rates established by the public authority. As a Member from New England, I would rely on the honesty of whoever is on the commission to set those rates.

Mr. Chairman, let us not kill this flood control bill. It carries authorizations for \$375,000,000 and it means a lot to

the people in my valley. They are the people who have suffered from the Connecticut River. They are the ones who want the protection of this bill because they need that protection. Let us get the authorization at the present time for the construction of these walls, levees, dikes, pumping plants and all the other necessary works and forget about the reservoirs, so far as this bill is concerned.

No one raised this question in committee. If they had wanted to, they could have brought it up. There were 25 members of the committee there. Why did they not present the arguments then? If the majority of that committee had felt this amendment properly was a part of this bill, the committee would have included it. If the committee had felt or if the individuals had felt that this bill was one that should have included anything with regard to interstate compacts, it would have been included.

Obviously this amendment has been offered for political purposes, because the Federal administration has refused to permit the ratification of the present compacts entered into and approved by the four State governments, with the approval of the Secretary of War. This failure to carry out the wishes of the flood sufferers of the Connecticut and Merrimack Valleys will not be forgotten by them when they are called upon to decide who has best looked out for their interests. Let us not endanger the projects under this bill, which within 12 months will provide adequate protection, according to the Army engineers, for these seven important industrial communities.

Take the situation at Springfield. The city has entered into a P. W. A. project there which has obligated its citizens to spend \$650,000 for the construction of pumping stations, intercepting sewers, and other works. Contracts have been let and construction has already started. The Federal Government likewise is responsible under this project for expenditures of more than \$500,000. Every bit of work performed under this project and every pumping plant which is built will be valueless until the dike is constructed. The Army engineers will not complete the Springfield dike or start work at the other cities until authorization is given under this bill for the construction of the necessary works provided for by its terms.

In these circumstances I would be remiss in my duties as their Representative in Congress if I did not protest as vigorously as I can the inclusion in this bill of this amendment, which might well result in the defeat of the bill itself.

The public officials of Springfield have acted in good faith in assuming that this authorization would be given. Let us, as Members of Congress, likewise act in good faith and do nothing to endanger the Springfield project.

So far as the power issue is concerned I will be glad to vote in favor of any bill in respect to the construction of reservoirs for flood control, power, and all other proper purposes on the Connecticut and Merrimack Rivers. Let the proper Federal and State authorities agree on a program, modifying, if necessary, the two present compacts. Then let us bring in a bill designed to carry out the desires expressed by the people through their authorized representatives and bring to a successful end the unfortunate impasse which now exists on this problem which concerns every citizen in the four States so vitally.

Mr. PHILLIPS. Mr. Chairman, the distinguished gentleman from Massachusetts has just spoken of the loss suffered in various parts of New England by floods. The loss suffered in various parts of New England through the depredations of the power interests run every year to a great many more million dollars than the loss suffered by the flood in 1 year. I hold in my hand a letter from a power company in the very district of the gentleman who has just spoken, Mr. CLASON. If you will pardon the personal, it so happens I own a little camp up in the woods of Massachusetts, over the Connecticut line, right in the gentleman's district.

Mr. CLASON. That statement is not correct.

Mr. PHILLIPS. Does the gentleman have Tolland, Mass.?  
Mr. CLASON. I do not.

Mr. PHILLIPS. I take that back, then. Does the gentleman from Massachusetts [Mr. TREADWAY] have Tolland, Mass., in his district?

Mr. TREADWAY. I do.

Mr. PHILLIPS. Mr. Chairman, I hold in my hand a letter from the power company serving that town. As just stated, I have a little camp up there in the woods near the Connecticut border. When electricity was put in there all of us on that line had to pay plenty in installation charges for the power line. Despite the fact we paid this money, we still get bills for demand charges whether we use electricity or not. This is just one humble example. The camp was not open in January, February, or March, yet I get a bill for \$2.25 when there was not 1 kilowatt of electricity used in any of those months. That is just, as I say, an humble example. Multiply this by many people and then note just one example of power-company unfairness in New England. The people of New England have been groaning under the unfair charges of the public utilities corporations up there for years. We want the Federal Government now to establish a power yardstick in New England to save the people of that section these excessive charges under which they have labored and struggled for years.

Mr. McCORMACK. Will the gentleman yield?

Mr. PHILLIPS. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. May I call attention also to the fact that those who live in the flood areas of New England, when the next flood occurs and they are looking out their second- and third-floor windows at the water gradually creeping up, will not think of State rights; they will not think whether this amendment might kill the bill or not, and it will not, because I would not stand for it. I told the chairman my position in that respect. So this will not endanger the bill. However, those people will not be thinking of that. They will be thinking of the men who did not vote to give them protection. [Applause.]

Mr. PHILLIPS. I thank the gentleman.

In closing may I point out that every single Member of the New England delegation on this side of the aisle, all the Democratic Members, are in favor of this amendment. I certainly hope that those who believe in giving the people of New England a square deal, so far as the power interests are concerned, will vote for the amendment. These power interests have been enslaving the people, they have been corrupting members of the legislature.

Mr. BATES. Will the gentleman yield?

Mr. PHILLIPS. I yield to the gentleman from Massachusetts.

Mr. BATES. I had the privilege of serving in the legislature of my Commonwealth and I never knew nor never heard of any members of the legislature being corrupted by any evil influence of that sort. Furthermore, does the gentleman not understand that all the power rates in the State of Massachusetts are determined by the public utility board, which is appointed by the Governor of the State of Massachusetts?

Mr. PHILLIPS. May I say that the public-utility commissions of New England are a disgrace and a joke.

Mr. BATES. Does the gentleman realize that the members were appointed by a Democratic Governor?

Mr. PHILLIPS. And I regret his appointments if these officials allow these unjust public-utility practices and rates. It should here be pointed out, however, that frequently progressive New England Governors are prevented from making progressive public appointments because of the fact that often legislative confirmation of executive appointments are necessary and frequently unprogressive legislatures or public-utility company dominated legislatures will not confirm progressive appointments.

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, it seems an amazing thing to me that my colleagues from Massachusetts on the other side of the House did not consult the Flood Control Committee and did not talk with members of the minority with reference to this matter. I spoke to the chairman about the matter early this afternoon, but he did not mention his plans. We are deeply interested in flood control, and the rivers are located in our districts. It does not seem that the amendment of the gentleman from Massachusetts [Mr. McCORMACK] will help us in any way. Many believe, even if adopted, the States will have to sign an agreement or compact before the work can be commenced, as they must contribute to the projects, and it is work that will affect two or more States. Again, why was this amendment not discussed with the Flood Control Committee and with those of us who represent the badly damaged areas of the 1936 flood in order that the legal aspects might be decided and the States interested have a chance to be heard?

I know we are members of the minority, but most of us have come to Congress with apparently the tremendous confidence of our constituents, judging by the vote given us even in the Democratic cities. They send us here thinking we will do what is right, what is fair, and what is honest for them. I have never had a letter from any person in Massachusetts asking me to vote for anything that would provide for taking over the power or other rights in the Merrimack River. I have received hundreds of letters and I have seen hundreds of people who are vitally interested in flood control, not only by reservoirs but locally at Lowell, Mass., and at other cities and towns in the Merrimack Valley. I have in my hand the CONGRESSIONAL RECORD of Tuesday, May 3, and in it there are resolutions from the General Court of Massachusetts memorializing Congress to pass the compacts. This is urged by the members of both the house and the senate of my State legislature—the Legislature of the Commonwealth of Massachusetts is called the general court—and it has been urged by the Governor and the State Legislature of New Hampshire.

Mr. Chairman, I bitterly resent anyone saying the members of our State legislatures are dishonest or that our Governor is dishonest. They are thoroughly honest, I am sure. They are just as anxious to do what they think is right as I am to give the gentleman from Connecticut [Mr. KOPPLEMANN] the courtesy of saying he is honest and sincere.

Mr. PHILLIPS. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I cannot yield. I yielded to the gentleman at the last session. I remember the gentleman's very unjust accusation. I cannot yield to him. I am sorry.

Mr. FERGUSON. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. FERGUSON. The point was brought up by the gentleman from Massachusetts that not passing this amendment might jeopardize flood protection. It is really the other way around. They could have had flood protection long ago if they had had the compact.

Mrs. ROGERS of Massachusetts. I agree with the gentleman. He is absolutely right.

Mr. FERGUSON. For the information of the House I read from the report of the Chief of Engineers on the great amount of power that is embodied in the Connecticut River:

There were possibilities of developing approximately 16,000 kilowatts of firm peak power at two of these sites.

Sixteen thousand kilowatts is all that is involved in the whole Connecticut plan, and the Chief of Engineers makes no recommendation for its development.

Mrs. ROGERS of Massachusetts. And there is very little or practically no potential power in the reservoirs on the Merrimack River.

Mr. FERGUSON. This is the official report of General Schley, stating there are only 16,000 kilowatts that can be developed in the two projects, and it is not recommended that this power be developed.

Mr. KOPPLEMANN. Then why insist upon it?

Mrs. ROGERS of Massachusetts. I do not yield, Mr. Chairman.

I would gladly stump the State of Massachusetts, and I would gladly stump all of New England on this question. New England people realize the huge sums of money that are being spent. They are very grateful for any contribution they have had, but they feel they have not had their share, which is true. Do you think for 1 minute the people in my district, particularly those who are poor, those who have little money, would like to have me vote for something that at some future time may cause them to pay a great deal more for their electricity? The Army engineers tell me it would be a tremendous expense to provide power in these reservoirs. The amendment of the gentleman from Massachusetts is a power amendment, not a flood-control amendment. I know the members of the Committee on Flood Control realize, just as do other Members who have made a study of this matter, that if the reservoirs are built for power they will be of little value for flood control.

I know the people in my district and I know the people in other districts along the Merrimack River want flood control. It is the crying need. They are bitterly resentful that a year ago when I tried to have the compact for the Merrimack River voted upon by the Congress the Committee on Rules would not give me a rule to bring up the compact. I know, Mr. Chairman, that my people will feel that in voting today against the amendment offered by the gentleman from Massachusetts [Mr. McCORMACK] I have done what I think is right for them, not only today but for the future. How could I tell my people that I voted for the McCormack amendment, which is in effect a power amendment, and might well jeopardize effective flood control? The people in my district are very jealous of their rights, of their privileges, and they want them protected. [Applause.]

[Here the gavel fell.]

Mr. RANKIN. Mr. Chairman, I first want to correct an erroneous impression made by the gentleman from Virginia [Mr. WOODRUM] this morning when he said that Mr. John M. Carmody, head of the Rural Electrification Administration, went before the Senate Subcommittee on Appropriations and stated that he did not want the \$100,000,000 which we authorized for rural electrification in the relief bill a few days ago. As a matter of fact, Mr. Carmody never said anything of the kind. What he did say was that he would need more money for administrative expenses in order to properly handle the allocation of these funds.

The record of the hearing shows that the chairman of the Senate subcommittee, Senator ADAMS, asked Mr. Carmody, "If this becomes a part of the law, you will have \$140,000,000 for the next fiscal year?" Senator TOWNSEND then asked Mr. Carmody, "Do you need it?" To which Mr. Carmody replied, "We have applications for that amount."

In fact, we need every dollar of that one hundred million added to the forty millions already available, and more, to meet the demands for rural electrification during the coming year. Every dollar of it will be paid back, with interest, and it will do the country infinitely more good than any other similar amount provided for in the entire bill.

Coming back to the amendment that is now before the House, I want to remind you that this is one of the most important issues that ever came before Congress, touching the welfare of the people of New England.

I was surprised to hear the lady from Massachusetts [Mrs. ROGERS] talk about the "poor people" of Lowell, and other towns and cities in Massachusetts being injured by this amendment.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I cannot yield; I have only a few minutes and I am going to use all my time. I will use some of it, however, to show how the poor people of Massachusetts are overcharged for electric lights and power—and especially the poor people of Lowell. I will show that everyone who turns an electric switch in his home in Lowell, Mass., is overcharged at least 100 percent, and I will compare those rates with the rates in Tacoma, Wash., and in Ontario and Winnipeg, Canada, and with the T. V. A. rates. I am trying to establish a T. V. A. for New England, in order to save this water power for the people of New England and get it to them at the T. V. A. yardstick rates.

You boast about the high wages you pay a laborer in New England. By the time he gets through paying outrageously high rents, the overcharges for electrical and other utility services, and the unreasonably high prices charged for the things he has to eat and wear, he has little or nothing left; and at the same time he is deprived of the use of those electrical appliances that would add comforts and conveniences to his home. I am trying to give him cheap electricity to brighten his home, reduce his expenses, relieve his burdens, lighten the load of household drudgery, and enable him and his family to enjoy more of the comforts and conveniences of this life.

The only hope for relief from these conditions is through some form of public generation, transmission, and distribution of the water power on the Connecticut River and other navigable streams in New England. You will never get relief if the Power Trust can prevent it.

In his appearance before the Senate Appropriations Committee, Mr. Philip H. Gadsden, the chief of the Washington propaganda factory of the Power Trust, stated that if certain amendments were adopted giving the Power Trust a free hand his industry would immediately start on an advanced program to put men back to work.

Why did he not state that his industry, according to the last census figures, employed less than 250,000 people? Why did he not tell the committee the plan of his industry to make hydroplants and substations completely automatic and eliminate the labor entirely? Why did he not tell of the antisocial sales tactics of the power sale forces of the Power Trust in getting industries to put in labor-saving automatic electrical equipment? One of the largest industries in the country is now doing this with the elimination of 30 percent of the total employees. The Power Trust is not helping to relieve unemployment. It never did, and it never will.

I put in the record some time ago a table showing the overcharges in New England for the year 1936, as compared with the T. V. A. rates, the Tacoma, Wash., rates, and the Ontario rates. The 1937 reports have not yet been published. I am inserting that table for your benefit.

Here are the combined overcharges, by States, for the year 1936, for domestic, commercial, and industrial rates:

Overcharges by States for 1936

	According to T. V. A. rates	According to Tacoma rates	According to Ontario rates
Massachusetts.....	\$45,942,592	\$46,650,684	\$54,066,121
Connecticut.....	17,376,561	18,321,232	20,871,308
Maine.....	7,096,184	7,281,075	8,327,764
New Hampshire.....	4,897,469	4,949,565	5,394,965
Vermont and Rhode Island.....	11,209,616	11,445,288	13,118,329
	86,522,422	88,647,844	101,778,487

Thus you will see that according to the T. V. A. rates the people in the New England States were overcharged \$86,522,422 a year. According to the Tacoma, Wash., rates they were overcharged \$88,647,844 a year. And according to the Ontario rates, they were overcharged \$101,778,487 a year.

Do you not think they need a yardstick? Do you not think they need a T. V. A. on the Connecticut River? Do you not think they need protection from these overcharges?

Now let us see how those overcharges were distributed. Let us take the poor people first, the domestic consumers, beginning with Lowell, Mass.

For instance, 25 kilowatt-hours a month costs \$2.12 in Lowell. Under T. V. A. rates, or the Ontario, 25 kilowatt-hours a month costs 75 cents. In Lowell, 40 kilowatt-hours a month cost \$3.09. Under the T. V. A. rates, 40 kilowatt-hours a month costs \$1.20 and \$1.02 under the Ontario rates.

For 100 kilowatt-hours a month in Lowell, Mass., they pay \$5.39. Under the T. V. A. rates the cost would be \$2.50 and in Ontario \$1.74.

In Lowell 500 kilowatt-hours a month costs \$17.39. Under the T. V. A. rates the cost would be \$6.90 and under the Ontario rates \$3.92.

These high rates prevail throughout Massachusetts, as anyone can see if he will send to the Federal Power Commission and get a copy of the latest Electric Power Rate Survey for Massachusetts. He should also get one for the State of Washington, so he may compare the Massachusetts rates with the rates at Seattle and Tacoma. He should also get one for Mississippi so that he may compare his rates with the T. V. A. rates now in force in Tupelo, Amory, Corinth, and other points in that area.

Now turn to page 21 of the Massachusetts rate survey and let us see the overcharges your commercial consumers in Lowell have to pay—your merchants, hotel, restaurant, and filling station operators, as well as your professional men. You will note that there are two schedules, C and D. That is just camouflage. It is all the same power and all goes over the same line. You pay the D rates—unless you are on the inside. Then you pay C rates which I will insert along with the T. V. A., the Tacoma, the Ontario, and the Winnipeg rates, so you can compare them.

	50 kilowatt-hours a month	150 kilowatt-hours a month	375 kilowatt-hours a month	750 kilowatt-hours a month	1,500 kilowatt-hours a month
Lowell, Mass., D.....	\$4.50	\$12.93	\$30.00	\$60.00	\$120.00
Lowell, Mass., C.....	4.25	12.75	28.38	50.25	91.51
Tupelo, Miss., T. V. A. rates.....	1.50	4.50	10.00	17.50	27.50
Tacoma, Wash.....	1.75	4.75	10.38	17.25	28.50
Ontario rates.....	1.75	2.97	9.90	19.70	39.60
Winnipeg, Canada.....	1.34	4.50	11.25	22.50	36.00

So you will see that these commercial consumers simply pay rent to the Power Trust, as it were, to get to do business in their own houses.

The same thing is true all over Massachusetts and all the other New England States—as will appear from a comparison of the rate surveys of each of them with the T. V. A., Tacoma, and Ontario rates.

Now, let us take the industrial rates, compare them and see how badly your people are being overcharged. They have three "schedules" for industrial power in Lowell, F, D, and H. D is the highest and H is the lowest. I give them both. It is all the same power and comes over the same line.

Industrial rates

	15,000 kilowatt-hours a month	30,000 kilowatt-hours a month	60,000 kilowatt-hours a month	100,000 kilowatt-hours a month	200,000 kilowatt-hours a month	400,000 kilowatt-hours a month
Lowell, Mass., D.....	\$534	\$748	\$1,354	\$2,755	\$4,180	\$8,218
Lowell, Mass., H.....	358	586	1,042	1,612	2,999	5,512
Tupelo, Miss., T. V. A. rates.....	226	323	547	1,111	1,430	2,629
Tacoma, Wash.....	151	253	417	635	1,180	1,780
Ontario, Canada.....	171	344	685	1,142	2,280	2,518
Winnipeg, Canada.....	215	308	492	822	1,645	2,270

The industrial rates in Lowell prevail throughout Massachusetts, and similar rates are imposed in all the other New

England States, as will be seen from the rate surveys of each of those States. Just think of having to pay \$8,218 a month in New England for the same power, 400,000 kilowatt-hours, under D schedule or \$5,512 under C schedule, in the discretion of the company, that would cost \$1,780 in Tacoma, Wash.—a difference of \$3,832 to \$6,438 a month. No wonder their industries are leaving them.

These are the reasons, Mr. Chairman, that I favor this amendment. I want to save this water power for the people of New England, now and for all time to come. [Applause.]

Mr. BATES. Mr. Chairman, it seems as if this power question has been injected into this situation at the last moment—

Mr. KOPPLEMANN. Compact.

Mr. BATES. I would like to ask the gentleman from Connecticut to keep quiet just for a moment.

I can well understand the difference of opinion between men who advocate public ownership of power and private ownership and the construction of dams and more dams on power sites, because I have served on the Committee on Rivers and Harbors, before which those questions have come during the last 2 years. However, I think the real issue here is whether or not we are going to get protection from the flood waters of both the Connecticut and Merrimack Rivers.

I have in my hand here the CONGRESSIONAL RECORD of May 3 of this year in which is recorded the actions upon a resolution of the General Court of Massachusetts, which, after all, is the sovereign body of our State, and that resolution was approved by the Governor of Massachusetts, who is a Democrat. These compacts were also approved by the legislatures of the other New England States. The resolution reads as follows:

*Resolved*, That the General Court of Massachusetts calls the attention of the Congress of the United States to the fact that the completed compacts represent a strict adherence to letter and spirit of the Federal Flood Control Act of 1936; that these compacts were negotiated in record time; that every fulfillment of conditions of local cooperation anticipated by that act have been met by the States involved; that the General Court of Massachusetts regrets that the Federal Government should raise questions foreign to the language of the Federal Flood Control Act; that it further regrets that these questions should be raised after the completion of the compacts; and that it further regrets that the Federal Government should ask the States involved to sign away their rights as sovereign States in order to secure the ratification of the compacts; and be it further

*Resolved*, That the General Court of Massachusetts hereby urges the Congress of the United States to ratify as soon as possible the existing compacts in their present form, providing, if necessary, for future amendment to meet requirements which may be imposed by the Congress; and be it further

*Resolved*, That the secretary of the Commonwealth send copies of these resolutions to each Member of the Congress of the United States from this Commonwealth and from the States of New Hampshire, Vermont, and Connecticut, and to the presiding officers of both branches of Congress.

It seems to me that we ought to be interested in preserving those large communities along the Merrimack and Connecticut Rivers from the devastating floodwaters which come down those rivers every year. If we are interested in preserving those communities, we ought to do what we can to ratify those compacts and put into effect an opportunity for the Federal and the State governments jointly to enter into these flood-control projects to get relief at the earliest possible time.

Mr. CASEY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BATES. Yes.

Mr. CASEY of Massachusetts. The gentleman knows that if the State legislatures had not inserted a reservation about power in the compacts, but had adhered strictly to the Flood Control Act of 1936, the compacts would have been approved long ago.

Mr. BATES. I can only repeat, in answer to the gentleman, that the Federal Government is now asking the States involved to sign away their rights as sovereign States, and

take away whatever natural resources they have; and that, I submit, is not the business of the National Congress.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BATES. Yes.

Mrs. ROGERS of Massachusetts. The gentleman knows that in order to secure power in these reservoirs, where there is practically no potential power, the expense of generating that power with auxiliary resources will be so tremendous that it will make the rate very high—higher than the cost at the present time for power in Massachusetts.

Mr. BATES. I know that in the State of Massachusetts we have a public-utility board created by law, which in turn has full authority in the determination of power rates, and that the members of that board are appointed by the Governor of the State, and I further know that the Governor of the State for the last 8 years has been a Democratic Governor.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. BATES. Yes.

Mr. TREADWAY. Is it not a fact that so far as these particular rivers are concerned, there is no call for the additional power referred to in this debate this afternoon.

Mr. BATES. I have been informed by high authority in Massachusetts that we have all the power that we need in the State of Massachusetts.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. Mr. Chairman, through the courtesy of the chairman of the committee I am recognized for 2 minutes. I repeat what was said earlier in the afternoon, that this is a question of flood control and not a question of power. I cannot agree with my colleague from Massachusetts when he says the way to get relief from flood conditions is to put in a power proposition. If you are going to muddy the waters by including a power proposition, you will defeat the purpose for which we have asked this legislation, namely, flood control in the Connecticut and Merrimack Valleys. I am interested in flood control and the way to get it is to vote down the amendment of the gentleman from Massachusetts [Mr. McCORMACK].

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I do not yield to the gentleman from Connecticut. The gentleman ought to know better about prices and about the qualifications of people holding public office. I deny the fact that the Public Utilities Board of Massachusetts are thieves as he accused them of being. They are honest citizens, and they regulate the power matters and prices fairly and equitably to all people. Further than that, the gentleman is afraid of paying a little maintenance charge in a camp in my district. I am glad that he owns property up in a good neighborhood.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. No. I have told the gentleman I would not yield. The gentleman ought to know that there is a maintenance charge, and when he takes that \$2.09 charge and increases it to a million, I do not know where he gets his arithmetic.

Mr. PHILLIPS. I learned it in Connecticut.

Mr. TREADWAY. It is mighty poor arithmetic. The only way that New England can get relief from flood conditions such as existed in 1936 and which are threatening us all of the time is to vote down the amendment of the gentleman from Massachusetts [Mr. McCORMACK] and vote for the bill reported by the committee.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

The gentleman from Mississippi is recognized for 8 minutes.

Mr. WHITTINGTON. Mr. Chairman, I rather suspect it has occurred to members of the committee by this time,

why this New England controversy was not embraced in this bill. It really has no place here.

I have, as a Member of Congress, supported the Tennessee Valley Authority. I am in sympathy, as my friends from New England know, with the solution of the problem in New England. I favor the multiple type of reservoir, and where practicable I favor generation of power in flood-control reservoirs. While I have not proclaimed it from the house tops as often as some others I want the natural resources of the United States preserved for the benefit of the American people.

I appreciate the fine spirit of my friend, the gentleman from Massachusetts [Mr. McCORMACK]. Just let me tell you that he has sized up the situation admirably. The act of 1936 provided that the compacts had to be ratified by Congress. The States entered into compacts. They were referred to the Committee on Flood Control. You gentlemen from New England are familiar with my attitude, but it is fair to say that a compact is nothing more nor less than a treaty between two States. If reservations are proper to treaties, they are proper to compacts; and it is fair to the Flood Control Committee to say that the committee adopted reservations to the compacts heretofore made, and these reservations contain this provision which the members of the committee know they had to contain if they were reported to the House. I read from the reservations inserted in the compacts by the Flood Control Committee:

Nothing therein shall be construed as impairing, diminishing, or in anywise affecting or impairing the jurisdiction of the Federal Power Commission under the act of June 10, 1920, or the jurisdiction of the Federal Government under any other law of the United States with respect to the matters dealt with in said compacts.

Those compacts are pending here. My friend from Massachusetts said they were dead. I did not say it, but I am saying to you who are interested in this pending bill as a flood-control measure that I would like to see this question of differences in New England adjusted on its merits. If the compacts are dead I do not want them to be put into this bill and thus kill this bill.

I am speaking for the integrity of this legislation. I know the opposition. I know that improvements have been made in section 2 of this bill. We have followed the leadership of my good friend McCORMACK in reducing local contributions for reservoirs. Now, let us arrange to see if this matter cannot be settled. The compacts are dead because the amount of the local contribution has changed. This means that these States in New England have got to negotiate other compacts respecting local contribution which has been reduced by 70 percent before they can construct these reservoirs under compacts. This is a matter that should be settled in New England and then approved by Congress. The adoption of this amendment certainly does not settle the matter, for compacts still must be negotiated before the local contribution can be provided, and the compacts have got to be approved by Congress.

We have done the liberal thing, we have treated the New England reservoirs just as we have treated other reservoirs. We have reduced the local contributions 70 percent. The present is not the time either to modify the existing compacts or to give consideration to this question. Let me say in the kindest spirit and with all due deference that there is less power and more talk about power in New England than in any other section of the United States. I know what has happened in the other body; these compacts have been held up there. You know what has happened in this body; they have been held up. It is not essential to put them in this bill. It may hold up this bill and prevent flood-control legislation. It may transfer a burden in some way, from Members of Congress from New England, but the question has got to come back to Congress. I am in sympathy with the gentleman's viewpoint. Let the question come on the compacts and not on this bill. I know what my friend will say; I am going

to anticipate his saying that he will not be a party to this amendment that is proposed if it results in destroying this bill.

If the amendment goes to another body, I know of the fight and conflict between the interests involved. The thing that disturbs me is that the amendment, if adopted, may be beyond the control of the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. As a matter of fact, the gentleman knows that the 999-year proposition would take New England entirely out of the jurisdiction of Congress to legislate so far as power is concerned. The gentleman knows that the opponents of the compact proposition in the Senate will approve my amendment.

Mr. WHITTINGTON. No. I must protect the pending bill.

Mr. McCORMACK. I may say if there is any opposition to this amendment and it is not agreed to by the Senate, and if the matter goes to conference and the gentleman is embarrassed, I will do everything possible to get a bill through. If I thought this would endanger the pending bill, I assure the gentleman I never would have offered the amendment.

Mr. WHITTINGTON. If this matter were in the gentleman's hands and not in the hands of others who might control it in the other body, the situation might be different. However, may I say that the committee considered this matter from every angle. If the amendment passes, it does nothing more nor less than provide that the title to the reservoirs shall be in the Federal Government, which is the bone of contention in New England. The compacts have got to come back here. I am in sympathy with the viewpoint of the gentlemen from that section of the country and would like to assist them so far as the merits of their proposition are concerned; but if that compact bill has been killed of its own weight, I urge that the New England controversy not be inserted in this bill, thereby killing it. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Massachusetts [Mr. McCORMACK].

The question was taken; and on a division (demanded by Mr. McCORMACK) there were—ayes 50, noes 65.

Mr. McCORMACK. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. WHITTINGTON and Mr. McCORMACK to act as tellers.

The Committee again divided; and the tellers reported—ayes 53, noes 84.

So the amendment was rejected.

Mr. MASSINGALE. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. MASSINGALE: Strike out lines 23 and 24, page 8, and lines 1 and 2 on page 9, and insert: "And provided further, That the Government of the United States acknowledges the right of the States of Oklahoma and Texas to continue to exercise all existing proprietary and other rights of supervision of and jurisdiction over the waters of all tributaries of Red River within their borders above Denison Dam site and above said dam, if and when constructed."

Mr. WHITTINGTON. Mr. Chairman, I make a point of order against the amendment. It is not germane to the bill or to the section under consideration. The pending measure has nothing to do with undertaking to allocate water rights in any particular whatsoever. The amendment might be applicable to a bill affecting reclamation, but there is no question of allocation of water rights involved in the present bill. On its merits and as a matter of law the amendment is wholly unnecessary—the rights of the States remain—

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. MASSINGALE. Mr. Chairman, the amendment strikes out the following:

*And provided further,* That in the consideration of benefits in connection with the Denison Reservoir all the benefits that can be assigned to the proposed Altus project and other such projects in Oklahoma shall be reserved for said projects.

That language means that so far as Oklahoma is concerned, a project known down there as the Altus project on one of these tributaries of the Red River is protected. They have given protection under this law, so they may proceed on that river and on that project in the future to utilize the waters of that stream.

Mr. Chairman, the four lines that are stricken by my amendment deal with the identical subject matter that would be stricken if my amendment were agreed to, but my amendment enlarges upon it in this way. The stricken language limits the Altus project so that it may not be abridged; that is, the rights of the State of Oklahoma and the people of Oklahoma on that stream are not abridged by any construction work or otherwise that may be done by the Government down below where these streams empty into the Red River.

It is proposed by the pending bill to make the Red River navigable as far as the Denison Dam. It is proposed to establish a power plant at Denison Dam. I may say I am representing the planning board of the State of Oklahoma in presenting this matter. It is the opinion of that board that unless Oklahoma is protected in all of the streams that flow into the Red River above the Denison Dam, vested rights may obtain which perhaps will abridge the State of Oklahoma in hereafter making such use of the water in these streams as it may desire to make and which now it has the right to do. I can give an illustration, I believe.

The CHAIRMAN. May the Chair interrupt the gentleman? Of course, the gentleman understands the Chair is not now considering the merits of the gentleman's amendment, but is anxious to hear what the gentleman may have to say upon the question of the point of order raised by the gentleman from Mississippi.

Mr. MASSINGALE. Is the point of order that the amendment is not germane?

The CHAIRMAN. That is the point of order made by the gentleman from Mississippi.

Mr. MASSINGALE. In response to the inquiry of the Chair, I may state that my amendment is certainly germane to the bill under consideration because the bill itself undertakes to reserve benefits on a portion of the streams covered by my amendment, above the Denison Dam, that are tributary to the Red River. My amendment reserves these rights not only to the State of Oklahoma but to the State of Texas in all streams tributary to the Red River that flow into it above the Denison Dam. This preserves only the rights of the State of Oklahoma in one stream, which flows into the Red River above the Denison Dam. That is the point I wish to make, Mr. Chairman.

The CHAIRMAN. The Chair is ready to rule.

The Chair is of the opinion that the amendment offered by the gentleman from Oklahoma [Mr. MASSINGALE] deals with matters which are not embraced within the provisions of the bill under consideration, and, therefore, sustains the point of order.

The Clerk read as follows:

SEC. 5. That, in carrying out the purposes of this act, the Secretary of War and the Secretary of Agriculture are hereby authorized to cooperate with institutions, organizations, and individuals, and to utilize the services of Federal, State, and other public agencies, and to pay by check to the cooperating public agency, either in advance or upon the furnishing or performance of said services, all or part of the estimated or actual cost thereof; and to make expenditures for personal services and rent in the District of Columbia and elsewhere, for purchase of reference and law books and periodicals, for printing and binding, for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying

vehicles and motorboats for official use, and for other necessary expenses.

SEC. 6. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys for flood control, including floods aggravated by or due to tidal effect at the following-named localities, and the Secretary of Agriculture is authorized and directed to cause preliminary examinations and surveys for run-off and water-flow retardation and soil-erosion prevention on the watersheds of such localities; the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as hereby authorized on any examination, survey, project, or work under way or proposed are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law or by resolution of the Committee on Flood Control of the House of Representatives or the Committee on Commerce of the Senate: *And provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway mentioned in this act until the project for the proposed work shall have been adopted by law:

Thames River and its tributaries, Connecticut.  
Chittenango Creek and its tributaries, New York.  
Ellicott Creek, N. Y.  
Smokes Creek at Lackawanna, N. Y.  
Bellows Pond and Canada Lake drainage area, Fulton County, N. Y.  
Kayaderosseras Creek, Fish Creek, and their tributaries, and Saratoga Lake, N. Y.  
Frankford Creek, Philadelphia County, Pa.  
Big Elk Creek and Elk River, Cecil County, Md.  
Smith River and its tributaries, Virginia and North Carolina.  
Tensas River, Franklin, Madison, Texas, East Carroll, Concordia, and Catahoula Parishes, La.  
Bayous Rapides, Boeuf, Cocodrie, and the watersheds thereof from their source in Rapides Parish to their outlet in St. Landry Parish, La.  
East bank of Red River, beginning at the south bank of Loggy Bayou at the hill line, and thence along the south bank of Loggy Bayou to the east bank of Red River, and from thence along the east bank of Red River to Coushatta Bayou, Red River Parish, La.  
Salt Fork of Red River and its tributaries, Oklahoma.  
Kiamichi River, Okla.  
Sulphur River, Tex.  
Santa Isabel Creek, located northwest of Laredo, Webb County, Tex.  
Smackover Creek, in Union, Ouachita, and Nevada Counties, Ark.  
Bartholomew Bayou of Ashley and other counties, Arkansas.  
Six Mile Creek in Logan County, Ark.  
Cadron Creek, Ark.  
Republican River, Beaver and Sappa Creeks, Kans. and Nebr.  
Fox River and its tributaries, Missouri.  
Dam at northern end of Fox Island, Clark County, Mo.  
Grand River and tributaries, Missouri.  
Henderson River, Ill.  
Kaskaskia River, Ill.  
Rock River, Ill.  
McCraney Creek, Hadley Creek, Kaiser Creek, Six Mile Creek, and Bay Creek and their tributaries in Pike County, Ill.  
Rochester and McClearys Bluff levee unit on Wabash River, Ill.  
England Pond levee unit on Wabash River, Ill.  
Russell and Allison levee unit on Wabash River, Ill.  
Tri Pond Levee Unit on Wabash River, Ill.  
Wabash River at Terre Haute, Ind.  
Lost River and tributaries in the vicinity of Orleans, Ind.  
Miami River, Ohio.  
Chagrin River and its tributaries, Ohio.  
Muskingum River and its tributaries, Ohio.  
Short Creek and its tributaries, in Jefferson and Harrison Counties, Ohio.  
Tiffin River and its tributaries, Ohio and Michigan.  
Bellevue Conservancy District, Ohio.  
Hocking River, Ohio, and in the vicinity of Athens, Ohio.  
Deckers Creek, Monongalia County, W. Va.  
Soldier River, Iowa.  
Hay Creek, Goodhue County, Minn.  
Wells Creek and Bullard Creek, Goodhue County, Minn.  
Gila River and tributaries, Arizona and New Mexico.  
Virgin River and tributaries, in Nevada, Arizona, and Utah.  
Kanab Creek, Utah and Ariz.  
Streams draining into the Great Salt Lake, and the Great Basin, Utah and Nev.  
Short Creek, Ariz. and Utah.  
Beaver Dam Wash, Ariz., Utah, and Nev.  
Colorado River and its tributaries above Lees Ferry, Ariz.  
Humboldt River and tributaries, in Nevada.  
Owyhee River and tributaries, in Nevada.  
St. Regis River, Mont.  
Boise River, Idaho.

Carson River and tributaries, in California and Nevada.  
Walker River and tributaries, in California and Nevada.  
Truckee River and tributaries, in California and Nevada.  
Sonoma Creek, Calif.  
Streams in Los Angeles and Ventura Counties draining the Santa Monica Mountains, Calif., directly into the Pacific Ocean.  
North Fork of the Yuba River, at city of Downieville and vicinity, Sierra County, Calif.  
Santa Ynez River and its tributaries, California.  
Santa Marguerita River and its tributaries, California.  
Deer Creek in the county of Tehama, Calif.  
Paynes Creek, Tehama County, Calif.  
Cottonwood Creek, Shasta and Tehama Counties, Calif.  
Battle Creek, Shasta and Tehama Counties, Calif.  
Cow Creek, Shasta County, Calif.  
Mill Creek, Tehama County, Calif.  
Napa River and its tributaries, California.  
San Lorenzo River, in Santa Cruz County, Calif.  
Naselle River, in Pacific County, Wash.  
Lands below and contiguous to Vancouver Lake area in Clark County, Wash., with a view to providing flood protection for lowlands along Columbia River between Whipple Creek and mouth of Lake and/or Lewis Rivers.  
Willapa River, in Pacific County, Wash.

Mr. McCLELLAN. Mr. Chairman, as a member of the Flood Control Committee and of the subcommittee thereof that drafted this bill, I am most interested in its favorable consideration and passage. In my judgment, considering the limited amount of authorization involved, the committee has brought to you the best bill it possibly could and one that is fully supported by the facts revealed by the rather extensive hearings the committee held on this measure.

There is one improvement that could have been made. Section 2 provides that States or political subdivisions shall be granted and reimbursed from flood-control appropriations by the United States sums equivalent to 70 percent of actual expenditures made by them in acquiring lands, easements, and rights-of-way for dam and reservoir sites. The present law requires local interests to pay the full amount of this cost. Therefore, we are relieving the local interests of 70 percent of the burden it is now compelled to carry under existing law.

No doubt a good many of the projects authorized by this measure, or at least some of them, can be constructed under this provision, but there are a large number that cannot be. Local interests in a number of instances will not be able to supply these costs and, therefore, the reservoirs will remain unconstructed, although definitely authorized by this legislation. In my own State, seven reservoirs are provided for in this bill. It is possible that one or two may be constructed by local interests bearing 30 percent of the cost of land and reservoir sites. It is quite doubtful, however, that the others can be. Local interests, under the circumstances, cannot meet the cost, and unless the State can find some way to raise revenues to meet this cost in connection with these projects, they simply cannot be built. But this measure authorizes their construction, and if, in the course of time, it is definitely established that these reservoirs cannot be constructed with this cost placed on the State or local interests, and if it is also established that many other projects included in this measure, and others heretofore authorized, cannot be constructed with local interests being required to pay the cost, then I feel confident that the Congress will accept on behalf of the Federal Government the full responsibility, and thus modify section 2 of this bill by proper amendment so as to make it possible for all of the projects authorized to be constructed.

This legislation means much to my State if the projects can be built. Arkansas has more navigable streams than any other State in the Union. Its valleys are subject to frequent floods. It is vital to the full development and use of these lands that the menace of floods be removed and the populations of these valleys be made secure. We know that all of our needs cannot be granted in 1 day. It takes continuous effort and time to get these projects that are necessary for the preservation of our resources and the improvement and

growth of communities located in these valleys. We must not turn back but rather continue to promote a national flood-control program. And so long as I remain in Congress I expect to work diligently and constantly for flood-control legislation that will authorize and promote large projects and improvements of this character.

Mr. Chairman, in section 4, under the title "Lower Mississippi River," provision is made for modifying the Flood Control Act of 1928, as amended by the Flood Control Act of June 15, 1936. This provision in the bill deals with the greatest flood-control problem in this Nation. We have not fully solved it, but sufficient authorization is contained in this provision to solve it if the Chief of Army Engineers, in his discretion, determines that the back-protection levee, the Eudora Floodway, and the Morganza Floodway shall be constructed.

Further provision is made for the raising of the fuse-plug levee. The leaving of this levee as it has been in the years past has been a tragedy the consequences of which a kind Providence has minimized. If a flood had come during the past 10 years comparable to the flood of 1928, a portion of my district and other counties in southeast Arkansas and northeast Louisiana would have suffered immeasurable damage, loss, and destruction for the benefit and protection of other sections. It is a great injustice, and I sincerely hope that the fuse-plug levee will be immediately raised, and in due course of time the back-protection levee as provided by law will be constructed.

I am very happy, Mr. Chairman, to have had a humble part in the drafting of this bill and in the development of the hearings upon which it is based, and I trust that the membership of this House will approve our efforts and pass this bill. [Applause.]

Mr. WHITTINGTON. Mr. Chairman, I have committee amendments covering four streams, and I ask unanimous consent that they may be considered as one amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendments as one amendment and they will be considered in their entirety.

There was no objection.

The Clerk read as follows:

Committee amendment offered by Mr. WHITTINGTON: Amend section 6, page 20, by inserting after line 12 "Chattanooga, Tenn., and Rossville, Ga."

Insert, after line 12, the following: "Waccama River, North and South Carolina."

Insert after line 14, the following: "Perry Creek, Iowa."

Insert after line 17, the following: "Red Lake River and its tributaries, Minnesota."

Insert on page 21, after line 5, the following: "Pembina River and its tributaries, North Dakota."

The committee amendment was agreed to.

Mr. CROSSER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, not for the purpose of saying anything of a controversial nature but rather to reminisce for a moment, I call attention to the fact that the Committee on Flood Control was created on the 3d of February, 1916, and I was made a member of that first Flood Control Committee. At that time, as a minority member of the committee, I proposed a substitute for a bill which the majority of the committee reported and which provided for the building of levees for the control of floods on the Mississippi River. My substitute proposed:

Flood prevention and protection through the establishment, construction, and maintenance of natural and artificial reservoirs and detention basins for water storage and control, and levees, revetments, and other bank-protective works, spillways, waste weirs, waste ways, by-passes, controlled outlets and flood-control works of every nature and kind, and the protection of watersheds from denudation, erosion, and surplus waste, and from forest fires, \* \* \* by reforestation.

I merely desire to call attention now to what the chairman of that committee said. Mr. Humphreys, who lived in the

same district as the present chairman of the Committee on Flood Control and in the same city of Greenville, Miss., made the following remark about my proposal contained in the substitute when during the debate I presented it to the House:

That theory is one which appeals to a man who first starts out in the kindergarten class on this subject. He first starts out with the reservoir system, but before he reaches the grammar school he abandons it.

I asked him at this point to yield for a question, but he would not yield and instead continued as follows:

Anybody who studies it reaches the conclusion that there is nothing to it. The reservoirs above Pittsburgh, which are estimated to cost \$21,000,000—but the Army engineers say they will cost a good deal more—contain 59,000,000,000 cubic feet of water. That is a good deal of water—59,000,000,000 cubic feet. Now, that is at the headwaters. That will not be accumulated in a minute; that will not be scooped up out of the Ohio River at one fell swoop; it will accumulate during the weeks after the storms. Fifty-nine billion feet of water pass down the Mississippi River in 7 hours in time of flood.

In other words, taken what would flow down that river in 24 hours, assuming at the same rate, of course, it would cost \$73,000,000 to build a reservoir to hold the floodwaters that would go down the Mississippi River in 24 hours. A flood would last 48 days. Multiply that \$73,000,000 by 48, and you will find how much it would cost to control this flood by reservoirs. The statement of Colonel Townsend—

#### Of the Engineers—

is that there is but one place to put a reservoir, if you are going to have one, and that is near Cairo, because the rainstorms are sometimes up the Ohio, sometimes up the Mississippi, and sometimes up the Missouri. You would have to excavate a reservoir as big as the State of New Jersey; you would have to excavate out of it enough dirt to build levees 150 feet high and 7,000 miles long.

I desire to quote merely enough to show you how ridiculous now appear these statements by the man who as chairman who was then in charge of the flood-control program of the United States and how foolish the claim that the reservoir system would be. Mr. Humphreys said the levee system was the only thing, that the levee system was the only system approved by the Army engineers. He urged the House to stick to the levee system and at the same time ridiculed my proposal in language which I have just quoted in part.

I have quoted Chairman Humphrey's language from the CONGRESSIONAL RECORD of 1916 in order to encourage those who may hesitate to urge a new idea lest they be abused and ridiculed. The plan for flood control which I then urged upon the House is now followed by the Government as a matter of course. When I offered my substitute for the flood-control bill in 1916, it was the first time the reservoir plan was proposed in the United States as legislation. Let me say again to those who would promote new ideas which are sound: Be not discouraged if you find little or no support at first for if you will persevere and disregard the jibes of those who oppose things merely because they are new, you will finally prevail. [Applause.]

The Clerk read as follows:

SEC. 7. That in order to effectuate the policy declared in sections 1 and 2 of the act of June 22, 1936 (Public, No. 738, 74th Cong.), and to correlate the program for the improvement of rivers and other waterways by the Department of War with the program for the improvement of watersheds by the Department of Agriculture, works of improvement for measures of run-off and water-flow retardation and soil-erosion prevention on the watersheds of waterways, for which works of improvement for the benefit of navigation and the control of destructive floodwaters and other provisions have been adopted and authorized to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers, are hereby authorized to be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture and in accordance with plans approved by him. For prosecuting said work and measures there is hereby authorized to be appropriated the sum of \$10,000,000 to be expended at the rate of \$2,000,000 per annum during the 5-year period ending June 30, 1944.

SEC. 8. That there is hereby authorized an expenditure of not to exceed \$375,000 per annum, from any appropriations heretofore or

hereafter made for flood control by the United States, for the establishment, operation, and maintenance by the Weather Bureau of a current information service on precipitation, flood forecasts, and flood warnings, whenever in the opinion of the Chief of Engineers and the Chief of the Weather Bureau such service is advisable in connection with either preliminary examinations and surveys or works of improvement authorized by the law for flood-control purposes, and the Secretary of War upon the recommendation of the Chief of Engineers is authorized to allot the Weather Bureau funds for said expenditure.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a question.

Mr. WHITTINGTON. I yield to the gentleman.

Mr. TREADWAY. I would like to have the gentleman's idea about the words "flood warnings" in line 8. In the judgment of the gentleman would that include warnings that might be sent by radio?

Mr. WHITTINGTON. I understand the Weather Bureau uses the telegraph. I do not know of any reason why they could not use the radio as well as the telegraph, and, personally, if there is going to be any radio information given out I would like for it to be given by the Weather Bureau so it would be authentic.

The Clerk read as follows:

SEC. 9. The sum of \$375,000,000 is authorized to be appropriated for carrying out the improvements herein over the 5-year period ending June 30, 1944, and the sum of \$10,000,000 is authorized to be appropriated and expended in equal amounts by the Departments of War and Agriculture for carrying out any examinations and surveys provided for in this act and other acts of Congress.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. McCORMACK] having assumed the chair, Mr. UMSTEAD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 10618) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, pursuant to House Resolution 503, he reported the same back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. St. Claire, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8837) entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1939, and for other purposes."

#### AMENDMENT OF SECOND LIBERTY BOND ACT

Mr. COOPER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10535) to amend the Second Liberty Bond Act, as amended, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

On page 2, line 6, after the word "time", insert "Provided, That the face amount of bonds issued under the authority of this act shall not exceed in the aggregate \$30,000,000,000 outstanding at any one time."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Senate amendment was concurred in.  
A motion to reconsider was laid on the table.

## EXTENSION OF REMARKS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their own remarks on the flood-control bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

## AMENDING SECTION 4132 OF THE REVISED STATUTES, AS AMENDED

Mr. BLAND. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 10704) to amend section 4132 of the Revised Statutes, as amended, which I send to the Clerk's desk; and pending that, I ask unanimous consent that I may be given 2 minutes to explain the situation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLAND. Mr. Speaker, the situation is that there is a vessel at Honolulu that was purchased by the Pan-American Airways Co., reconditioned for \$200,000 and has supplies for the islands of Wake, Midway, and Kingman Reef, and the passage of this bill is necessary in connection with the use of the clippers of the Pan-American Airways. This bill only adds to the existing law where they are permitted to go to Guam the words "Midway," "Wake," and "Kingman Reef."

Mr. O'MALLEY. There is no expense involved?

Mr. BLAND. None at all. They want to sail on Monday, and they have the supplies necessary to relieve the situation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the first sentence of section 4132 of the Revised Statutes as amended (U. S. C., 1934 ed., title 46, sec. 11), is hereby amended to read as follows:

"Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Bureau of Marine Inspection and Navigation as safe to carry dry and perishable cargo, wherever built, which are to engage only in trade with foreign countries, with the Philippine Islands, the islands of Guam, Tutuila, Wake, Midway, and Kingman Reef, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States, or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## THE LATE REPRESENTATIVE WILLIAM GRAVES SHARP

Mr. CROSSER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 35, and agree to the same.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to take from the Speaker's table Senate Concurrent Resolution 35, which the Clerk will report.

The Clerk read as follows:

## Senate Concurrent Resolution 35

Whereas the late Honorable William Graves Sharp, with prophetic vision, introduced in the House of Representatives on April 21, 1913, the first bill which provided for the carrying of the mail by air-plane; and

Whereas air-mail service now reaches every part of the Nation and has been extended to lands across the sea: Therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress of the United States hereby honors and

pays tribute to the memory of Hon. William Graves Sharp for having introduced and supported the first bill providing for air-mail service.

Mr. SNELL. Mr. Speaker, is not this very unusual procedure? I never heard of anything like this before and until I know more than I do about it now I shall object to its consideration.

Mr. CROSSER. Mr. Sharp was the Ambassador to France during the World War.

Mr. SNELL. He may have been the finest man in the world, but I never heard of anything like this.

Mr. CROSSER. It is not a matter of any cost to the Government.

Mr. SNELL. I suggest that the gentleman withdraw his request for the present.

Mr. CROSSER. Mr. Speaker, I withdraw my request.

## AMENDING THE CIVIL GOVERNMENT ACT FOR PUERTO RICO

Mr. KOCIALKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1486) to amend section 30 of the act of March 2, 1917, entitled "An act to provide a civil government for Puerto Rico, and for other purposes," with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 1486, with a Senate amendment thereto, and concur in the Senate amendment. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment, as follows:

Page 1, strike out lines 7 to 10, inclusive, and lines 1 to 8, inclusive, on page 2, and insert:

"Sec. 30. The terms of office of senators and representatives elected at any general election shall be 4 years, commencing on the 2d day of January following the date upon which such election was held. In case of a vacancy in the office of any senator or representative occurring by reason of death, resignation, or otherwise, the Governor, upon the recommendation of the central committee of the political party of which such senator or representative was a member, shall appoint a senator or representative from such political party to fill such vacancy, who shall hold office for the remainder of the term for which his predecessor was elected. No senator or representative so elected or appointed shall, during his term of office, be appointed to any civil office under the government of Puerto Rico, and no such senator or representative shall be eligible for appointment to any office created during his term of office until the expiration of 2 years after the date upon which his term of office shall have expired."

The SPEAKER pro tempore. Is there objection?

Mr. O'MALLEY. Mr. Speaker, I reserve the right to object. Is it not the usual procedure here in the United States not to allow appointment to an elective office beyond 1 year? Under this bill, if an elected member of the Puerto Rico Legislature happened to die on the second day of his term, a successor might be appointed who would serve out the full 4 years.

Mr. KOCIALKOWSKI. It is very expensive to hold an election in Puerto Rico. They are not situated as we are.

Mr. O'MALLEY. Has the Puerto Rico Legislature requested this amendment to the organic act?

Mr. KOCIALKOWSKI. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on concurring in the Senate amendment.

The Senate amendment was concurred in; and a motion to reconsider the vote by which the amendment was concurred in was laid on the table.

## EXTENSION OF REMARKS

Mr. GREEN. Mr. Speaker, I ask unanimous consent to extend my remarks made by me today and to include therein two or three short letters.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CARLSON. Mr. Speaker, I ask unanimous consent to extend the remarks I made today by the inclusion of certain excerpts.

The SPEAKER pro tempore. Is there objection?  
There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a very brief editorial on the supremacy of man.

The SPEAKER pro tempore. Is there objection?  
There was no objection.

Mr. LUECKE of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?  
There was no objection.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?  
There was no objection.

Mr. MOTT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD made today and to include certain statistics and figures on flood control.

The SPEAKER pro tempore. Is there objection?  
There was no objection.

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein certain excerpts and tables.

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

There was no objection.

The SPEAKER pro tempore. Under the special order of the House heretofore made the Chair recognizes the gentleman from Connecticut [Mr. PHILLIPS] for 15 minutes.

ABRAHAM DAVENPORT

Mr. PHILLIPS. Mr. Speaker, I shall not take 15 minutes because the hour is so late.

I rise at this time, Mr. Speaker, because this is a noteworthy and important date to commemorate in our section of Connecticut.

However, before speaking on that subject, I desire to catalog a list of the outstanding inventions and products first brought forward by Connecticut.

AMERICAN PIONEER INDUSTRIES STARTED IN CONNECTICUT OR BY NATIVES OF CONNECTICUT

1639 (not 1776!). First Constitution, "the foundation of authority is in the free consent of the people," Hartford.

1640. First public election, Wethersfield.

1727. First copper coins, Simsbury.

1740. Tinware, Berlin.

1744. Half-ton of steel, Simsbury.

1750. Hat factory, Wethersfield.

1769. Type foundry, New Haven.

1775. Pins, Wethersfield.

1775. Submarine torpedo boat, Westbrook.

1780. Fur-hat factory (38 percent of all fur-felt hats now manufactured in America are made in Fairfield County), Danbury.

1787. Steam-propelled boat, South Windsor.

1794. Cotton gin, New Haven.

1801. Cigars, South Windsor.

1802. Ivory combs, Essex.

1802. Garden seeds, Enfield.

1806. Factory town, Seymour.

1812. Use of steam power for manufacturing, Middletown.

1813. Steel fishhooks, Colebrook.

1814. Shelf clock, Thomaston.

1816. Fanning mill (separates chaff from grain), Cheshire.

1818. Milling machine, New Haven.

1819. Silk thread, Mansfield.

1820. Plows, metal, Wethersfield.

1826. Axes, first produced commercially, Collinsville.

1828. Carpet mill, Thompsonville.

1829. Paper-making machine, Windham.

1830. Hoopskirts, Derby.

1831. Drawn-brass pipe and wire, Waterbury.

1832. Machine producing pins in one operation, Derby.

1833. Coffee mill, Meriden.

1833. Engine lathe, New Haven.

1834. Friction matches (inventor sold formula for \$10), Beacon Falls.

1834. Sprun-brass kettles, Torrington.

1835. "German silver" spoons, Wallingford.

1836. Tacks, Derby.

1836. Hooks and eyes, Waterbury.

1836. Safety fuses for blasting, Granby.

1837. Paper made of straw, Seymour.

1839. Vulcanized rubber, Naugatuck.

1840. Shaving soap, Glastonbury.

1840. Silver-plated spoons, East Granby.

1840. Bolt-threading machine, Southington.

1845. Pocket cutlery, Salisbury.

1845. Sewing machine, New Hartford.

1846. Table cutlery, Meriden.

1848. Cylinder lock, Stamford.

1849. Spool-wound silk thread, Watertown.

1850. Derby hat, South Norwalk.

1852. Wood-type machine, South Windham.

1854. Spool-wound linen thread, Willimantic.

1856. Condensed milk, Torrington.

1858. Stone crusher, New Haven.

1858. Kerosene-oil burners, Meriden.

1862. Wheeled horse-rake with lever, Morris.

1866. Center-fire cartridge, Bridgeport.

1866. Steam-propelled horseless carriage, Bridgeport.

1866. Machine-made horseshoe nail, Seymour.

1866. Wire-cutting machine and automatic straightener for pins, Torrington.

1867. Button hooks, Seymour.

1870. All-metal wood-cutting plane, New Britain.

1876. Automatic turret lathe for cutting screws, Hartford.

1877. Bicycle factory, Hartford.

1878. Telephone switchboard installed, New Haven.

1880. Mohair plush, Seymour.

1885. Finely accurate standard measuring machine, Hartford.

1894. Even-keel submarine, Milford.

1895. Player piano, Meriden.

Mr. Speaker, I rise at this time particularly to call the attention of the House to a distinguished citizen of Connecticut who has been made famous by the New England poet, Whittier, in commemorating an event that took place exactly on this date in the year 1780 according to a volume called "Our First Century," where the history of this occasion is set forth. It tells of the famous dark day in New England, this date in the year 1780, and it tells how at noon-time darkness fell upon the earth and the fowls went to roost, and people in various walks of life thought the world was about to come to an end. At that time the Legislature of Connecticut was in session. May I here read a few lines from the poet Whittier? I read:

ABRAHAM DAVENPORT

"Twas on a May-day of the far old year  
Seventeen hundred eighty, that there fell  
Over the bloom and sweet life of the Spring,  
Over the fresh earth and the heaven of noon,  
A horror of great darkness, like the night  
In day of which the Norland sagas tell;  
The Twilight of the Gods. The low-hung sky  
Was black with ominous clouds, save where its rim  
Was fringed with a dull glow, like that which climbs  
The crater's sides from the red hell below.  
Birds ceased to sing, and all the barn-yard fowls  
Roosted; the cattle at the pasture bars  
Lowed, and looked homeward; bats on leathern wings  
Flitted abroad; the sounds of labor died;

Men prayed, and women wept; all ears grew sharp  
To hear the doom-blast of the trumpet shatter  
The black sky, that the dreadful face of Christ  
Might look from the rent clouds, not as He looked  
A loving guest at Bethany, but stern  
As Justice and inexorable Law.

Meanwhile in the old State House, dim as ghosts,  
Sat the lawgivers of Connecticut,  
Trembling beneath their legislative robes.  
"It is the Lord's great day! Let us adjourn,"  
Some said; and then, as if with one accord,  
All eyes were turned to Abraham Davenport.  
He rose, slow cleaving with his steady voice  
The intolerable hush. "This well may be  
The day of judgment which the world awaits;  
But be it so or not, I only know  
My present duty, and my Lord's command  
To occupy till He come. So at the post  
Where He hath sent me in His providence,  
I choose, for one, to meet Him face to face,—  
No faithless servant frightened from my task,  
But ready when the Lord of the harvest calls;  
And therefore, with all reverence, I would say,  
Let God do His work, we will see to ours.  
Bring in the candles." And they brought them in.

Wisely and well spake Abraham Davenport,

The shrewd dry humor natural to the man:  
His awe-struck colleagues listening all the while,  
Between the pauses of his argument,  
To hear the thunder of the wrath of God  
Break from the hollow trumpet of the cloud.

And there he stands in memory to this day,  
Erect, self-poised, a rugged face, half seen  
Against the background of unnatural dark,  
A witness to the ages as they pass,  
That simple duty hath no place for fear.

Mr. Speaker, in closing, may I say that in these days when the industrial situation is dark, when darkness is over the face of the world in the matter of international relations and in other ways, I hope we in this Chamber and those elsewhere in legislative chambers of the world will take to heart this simple lesson of Abraham Davenport, that sterling patriot of the old days who was not frightened by any earthly or unearthly darkness from the path of doing his duty.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for half a minute.

The SPEAKER pro tempore. Without objection it is so ordered.

Mrs. ROGERS of Massachusetts. Mr. Speaker, as the gentleman from Mississippi [Mr. RANKIN] would not yield to me, although he had mentioned my name when he discussed the cost of federally controlled power, I wish to make a statement. I think the House realizes that in order to secure flood control, reservoirs must be empty. In order to use water for power purposes, reservoirs must be full. To couple a program of flood control and power would be tremendously expensive, when there is no potential power in sight on these developments. I am sure the House is interested in flood control as well as power. The people in my district who suffered so greatly in the flood of 1936 are vitally interested in real flood control. [Applause.]

[Here the gavel fell.]

Mr. PHILLIPS. Mr. Speaker, may I point out to the gentlewoman from Massachusetts and to the Members of the House that flood-control reservoirs can be built to hold enough water for recreation and other purposes and yet high enough to impound flood waters.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. PHILLIPS. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. The Army engineers tell me that in the case of the reservoirs of the upper Merrimack which would serve my district, for instance, a second reservoir must be built on top of the first reservoir and that auxiliary forces will be necessary; also that it would be a

very expensive proposition and would make the electricity cost a very large amount. That is a different situation.

Mr. PHILLIPS. Mr. Speaker, I reiterate what I said: Flood-control reservoirs can be designed not only for recreation and power but for flood control as well.

Mrs. ROGERS of Massachusetts. Yes; but they are very expensive and would not reduce the expense of electricity and would greatly lessen flood control if built for power.

Mr. PHILLIPS. And they are worth it.

[Here the gavel fell.]

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. GINGERY (at the request of Mr. SWOPE), for 2 days, on account of death of close relative.

To Mr. WOLFENDEN, for balance of week, on account of illness in family.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 153. An act to prohibit and to prevent the trade practices known as compulsory block booking and blind selling in the leasing of motion-picture films in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

#### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5030. An act granting pensions and increases of pensions to certain soldiers, sailors, and nurses of the War with Spain, the Philippine Insurrection, or the China Relief Expedition, and for other purposes; and

H. R. 7187. An act to amend section 12B of the Federal Reserve Act, as amended.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 5030. An act granting pensions and increases of pensions to certain soldiers, sailors, and nurses of the War with Spain, the Philippine Insurrection, or the China Relief Expedition, and for other purposes; and

H. R. 7187. An act to amend section 12B of the Federal Reserve Act, as amended.

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

#### ADJOURNMENT

The motion was agreed to; accordingly (at 6 o'clock and 24 minutes p. m.) the House adjourned until tomorrow, Friday, May 20, 1938, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON NAVAL AFFAIRS

Scheduled for hearing before House Naval Affairs Committee for Monday, May 23, 1938, at 10:30 a. m.: H. R. 10594, to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve; H. R. 9258, to authorize the Secretary of the Navy to accept on behalf of the city of Los Angeles, Calif., with improvements thereon; S. 2276, to provide for an additional midshipman at the United States Naval Academy, and for other purposes.

##### COMMITTEE ON THE JUDICIARY

There will be a hearing before the Committee on the Judiciary, Friday, May 20, 1938, on the resolutions proposing to

amend the Constitution of the United States to provide suffrage for the people of the District of Columbia. The hearing will be held in the committee hearing room, 346 House Office Building, beginning at 10 a. m.

#### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of Mr. MALONEY's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., Monday, May 23, 1938. Business to be considered: Continuation of hearings on H. R. 4358, train dispatchers.

There will be a meeting of Mr. SADOWSKI's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., Friday, May 20, 1938, for the consideration of H. R. 9739, to amend the Motor Carrier Act (continuation).

#### COMMITTEE ON THE DISTRICT OF COLUMBIA

The Subcommittee on Public Health of the Committee on the District of Columbia will meet Tuesday, May 24, 1938, at 10:30 a. m., in room 345, House Office Building, to consider H. R. 10341, amending Dental Practice Act.

#### COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization will hold executive hearings Wednesday, May 25, 1938, at 10:30 a. m., in room 445, House Office Building, for the consideration of H. R. 9907, and other unfinished business.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1351. A letter from the Acting Comptroller General of the United States, transmitting a report on which survey is transmitted herewith, in accordance with the provisions of section 312 (a) of the Budget and Accounting Act, 1,021 of the functions and activities of the Central Treasury Accounts Office of the Office of the Commissioner of Accounts and Deposits; to the Committee on Expenditures in the Executive Departments.

1352. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Railroad Retirement Board for the fiscal year 1939, amounting to \$415,000 (H. Doc. No. 659); to the Committee on Appropriations and ordered to be printed.

1353. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Civil Service Commission for the fiscal year 1939, amounting to \$400,000 (H. Doc. No. 660); to the Committee on Appropriations and ordered to be printed.

1354. A communication from the President of the United States, transmitting a list of judgments rendered by the Court of Claims which have been submitted by the Attorney General through the Secretary of the Treasury and require an appropriation for their payment, amounting to \$9,940,793.61 (H. Doc. No. 661); to the Committee on Appropriations and ordered to be printed.

1355. A communication from the President of the United States, transmitting a deficiency estimate of appropriation for the fiscal year 1936 in the sum of \$466.66 and supplemental estimates of appropriations for the fiscal year 1938 in the sum of \$138,840, amounting in all to \$139,306.66, for the Department of Justice (H. Doc. No. 662); to the Committee on Appropriations and ordered to be printed.

1356. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal years 1938 and 1939 amounting to \$900,000 for the War Department to defray the expenses of the Gettysburg anniversary celebration (H. Doc. No. 663); to the Committee on Appropriations and ordered to be printed.

1357. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an existing appropriation of the United States Mari-

time Commission (H. Doc. No. 664); to the Committee on Appropriations and ordered to be printed.

1358. A communication from the President of the United States, transmitting a schedule of claims allowed by the General Accounting Office, as shown by certificates of settlement forwarded to the Treasury Department for payment covering a judgment rendered by the United States District Court for the Southern District of New York, amounting to \$3,782.19 (H. Doc. No. 665); to the Committee on Appropriations and ordered to be printed.

1359. A communication from the President of the United States, transmitting records of judgments rendered against the Government by the United States district courts, as submitted by the Attorney General through the Secretary of the Treasury (H. Doc. No. 666); to the Committee on Appropriations and ordered to be printed.

1360. A communication from the President of the United States, transmitting a schedule of claims amounting to \$236,717.03, allowed by the General Accounting Office, as covered by certificates of settlement, and for the services of several Departments and independent offices (H. Doc. No. 667); to the Committee on Appropriations and ordered to be printed.

1361. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1939, for the War Department, for pay of the Army, finance department, amounting to \$400,000 (H. Doc. No. 668); to the Committee on Appropriations and ordered to be printed.

1362. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, Government Printing Office, for the fiscal year 1938, in the sum of \$408,000 (H. Doc. No. 669); to the Committee on Appropriations and ordered to be printed.

1363. A communication from the President of the United States, transmitting a supplemental estimate of an appropriation for the Treasury Department, for the fiscal year 1938, in the amount of \$94,285,404.73, to provide for the restoration of the capital impairment of the Commodity Credit Corporation (H. Doc. No. 670); to the Committee on Appropriations and ordered to be printed.

1364. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the Commissioners of the District of Columbia to pay claims which have been settled by them under the provisions of the act entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia", amounting to \$14,350 (H. Doc. No. 658); to the Committee on Appropriations and ordered to be printed.

1365. A letter from the Acting Secretary of the Interior, transmitting one certified copy of ordinances enacted by the Public Service Commission of Puerto Rico; to the Committee on Insular Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HOBBS: Committee on the Judiciary. Senate Joint Resolution 208. Joint resolution relative to the establishment of title of the United States to certain submerged lands containing petroleum deposits; with amendment (Rept. No. 2378). Referred to the Committee of the Whole House of the state of the Union.

Mr. LAMNECK: Committee on Ways and Means. H. R. 10155. A bill to permit articles imported from foreign countries for the purpose of exhibition at the Seventh World's Poultry Congress and Exposition, Cleveland, Ohio, 1939, to be admitted without payment of tariff, and for other purposes; without amendment (Rept. No. 2360). Referred to

the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 10573. A bill to authorize operating subsidy contracts for vessels engaged in the intercoastal commerce of the United States, and for other purposes; with amendment (Rept. No. 2381). Referred to the Committee of the Whole House on the state of the Union.

Mr. McGRATH: Committee on Naval Affairs. S. 2474. An act to provide a uniform method for examinations for promotion of warrant officers; without amendment (Rept. No. 2382). Referred to the Committee of the Whole House on the state of the Union.

Mr. POAGE: Committee on the Census. S. 3882. An act amending the act authorizing the collection and publication of cotton statistics by requiring a record to be kept of bales ginned by counties; without amendment (Rept. No. 2383). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of West Virginia: Committee on Mines and Mining. H. R. 9783. A bill authorizing the Secretary of the Interior to transfer to the State of Colorado one mine rescue car; without amendment (Rept. No. 2384). Referred to the Committee of the Whole House on the state of the Union.

Mr. SHEPPARD: Committee on Indian Affairs. H. R. 6047. A bill to authorize the consolidation of the lands on the Sisseton Indian Reservation, N. Dak. and S. Dak.; with amendment (Rept. No. 2385). Referred to the Committee of the Whole House on the state of the Union.

Mr. KOCIALKOWSKI: Committee on Insular Affairs. H. R. 10050. A bill to authorize the Legislature of Puerto Rico to create public corporate authorities to undertake slum clearance and projects to provide dwelling accommodations for families of low income and to issue bonds therefor, to authorize the legislature to provide for financial assistance to such authorities by the government of Puerto Rico and its municipalities, and for other purposes; without amendment (Rept. No. 2386). Referred to the Committee of the Whole House on the state of the Union.

Mr. KOCIALKOWSKI: Committee on Insular Affairs. H. R. 10649. A bill to amend sections 7, 14, and 20 of the Organic Act of the Virgin Islands of the United States (49 Stat. 1807); with amendment (Rept. No. 2387). Referred to the Committee of the Whole House on the state of the Union.

Mr. KOCIALKOWSKI: Committee on Insular Affairs. H. R. 10652. A bill to provide for the ratification of all joint resolutions of the Legislature of Puerto Rico and of the former legislative assembly; without amendment (Rept. No. 2388). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. House Joint Resolution 403. Joint resolution to provide for the completion of the Navy and Marine Memorial; with amendment (Rept. No. 2389). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 10699) to provide that Foreign Service officers who are promoted to the rank of Ambassador or Minister shall retain their status as Foreign Service officers and shall be classified as ministers of career; to the Committee on Foreign Affairs.

By Mr. BOYER: A bill (H. R. 10700) to require certain sales of tickets to be accompanied by statements that they are for standing room only; to the Committee on the District of Columbia.

By Mr. STEAGALL: A bill (H. R. 10701) to amend section 12B of the Federal Reserve Act to increase the insurance

protection to each depositor in an insured bank; to the Committee on Banking and Currency.

By Mr. HAINES: A bill (H. R. 10702) to require parcels of cigarettes to be marked "Cigarettes" when sent in the mails; to the Committee on the Post Office and Post Roads.

By Mr. GEHRMANN: A bill (H. R. 10703) to authorize the Secretary of War to lend War Department equipment for use at the 1938 State convention of the Veterans of Foreign Wars, Department of Wisconsin, to be held at Superior, Wis., during the month of June 1938; to the Committee on Military Affairs.

By Mr. BLAND: A bill (H. R. 10704) to amend section 4132 of the Revised Statutes, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. BROOKS: A bill (H. R. 10705) to amend the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936; to the Committee on Flood Control.

By Mr. MAAS: A bill (H. R. 10706) to provide for the rank and pay of retired officers of the Navy and Marine Corps; to the Committee on Naval Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

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

By Mr. COLMER: A bill (H. R. 10707) to adjust the lineal positions on the Navy list of certain officers of the Supply Corps of the United States Navy; to the Committee on Naval Affairs.

By Mr. GAMBRILL of Maryland: A bill (H. R. 10708) for the relief of Herbert Sherry; to the Committee on Naval Affairs.

By Mr. IGLESIAS: A bill (H. R. 10709) for the relief of Rafael Martinez Roger and Antonia Martinez Roger; to the Committee on Immigration and Naturalization.

By Mr. LUTHER A. JOHNSON: A bill (H. R. 10710) for the relief of W. J. Hance; to the Committee on Claims.

By Mr. McLEAN: A bill (H. R. 10711) for the relief of Charles E. Bishop; to the Committee on Claims.

Also, a bill (H. R. 10712) to provide for the bestowal of the Silver Star Decoration upon Raymond Howard; to the Committee on Military Affairs.

#### PETITIONS, ETC.

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

5182. By Mr. CURLEY: Petition of 2,500 members of the Bleachers, Dyers, Finishers, and Printers Local 1790, New York City, urging enactment of the wage-hour bill; to the Committee on Labor.

5183. Also, petition of the Association of Master Plumbers, Bronx branch, of the city of New York, expressing disapproval of the members of that association to addendum A, issued by the Procurement Division, Treasury Department, and asking that it be withdrawn; to the Committee on Labor.

5184. Also, petition of the United Brotherhood of Carpenters and Joiners of America, Local Union 366, Bronx, New York City, urging enactment of the wage-hour bill; to the Committee on Labor.

5185. Also, petition of Local 239, New York City, of the Cleaners, Pressers, Drivers, and Allied Trades Union, urging enactment of the wage-hour bill; to the Committee on Labor.

5186. Also, petition of the Federation of Architects, Engineers, Chemists, and Technicians, New York City Chapter 32, urging enactment of the wage-hour bill; to the Committee on Labor.

5187. By Mr. KING: Petition of the board of supervisors, county of Maui, Territory of Hawaii, in support of House

