

Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

VALIDATION OF INFORMAL WAR CONTRACTS.

Mr. DENT. Mr. Speaker, I call up the conference report upon the bill (H. R. 13274) to provide relief where formal contracts have not been made in the manner required by law.

Mr. WALSH. Mr. Speaker, this matter is one of the most important matters awaiting attention, and we ought to have a full attendance whenever it is considered. I make the point of order that there is no quorum present.

Mr. BYRNES of South Carolina. Mr. Chairman, will not the gentleman from Alabama [Mr. DENT] withdraw that motion and allow us to go on with the appropriation bill?

Mr. DENT. Mr. Speaker, this is a very pressing matter, and it is something that necessarily must go back to conference. It does not make any difference what action the House takes, this bill necessarily must go back to conference, because there is a complete disagreement. We are in exactly the same situation that we were when we started. I hope the gentleman from Massachusetts will not make the point of order that there is no quorum present, but will let us dispose of this matter in some shape. If the matter comes up, it is my intention to make a motion that the House do further insist upon its disagreement to the Senate amendment.

The SPEAKER. Does the gentleman from Massachusetts insist upon his point of order?

Mr. WALSH. I think I shall have to insist upon it.

The SPEAKER. The Chair will count.

Mr. WALSH (interrupting the count). Mr. Speaker, I withdraw the point temporarily.

The SPEAKER. The Chair thanks the gentleman, and the Clerk will report the conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13274) to provide relief where formal contracts have not been made in the manner required by law having met, after full and free conference have been unable to agree.

S. H. DENT, Jr.,

W. J. FIELDS,

JULIUS KAHN,

Managers on the part of the House.

GEO. E. CHAMBERLAIN,

C. S. THOMAS,

F. E. WARREN,

Managers on the part of the Senate.

Mr. DENT. Mr. Speaker, I move that the House do further insist upon its disagreement to the Senate amendment.

Mr. FOSTER. Mr. Speaker, I desire to offer a motion to instruct the conferees.

Mr. CANNON. They have already been instructed, have they not?

Mr. GORDON. Yes.

Mr. FOSTER. But I want to instruct them again.

Mr. GORDON. They have been twice instructed against this same thing.

Mr. FOSTER. It is not the same thing.

Mr. DENT. The gentleman has the right to make that motion.

The SPEAKER. The Chair will suggest that, under a long line of decisions in matters similar to this, there is nothing before the House. Speaker Reed held there was nothing before the House, and such a motion would not be in order at this time.

Mr. FOSTER. Is not this bill before the House?

The SPEAKER. There is nothing in this report that the House has to act on.

Mr. KAHN. The bill is before the House with a Senate amendment.

The SPEAKER. That is correct. We are exactly where we started.

Mr. FOSTER. Before the bill goes back to conference, I desire to move to instruct the conferees.

Mr. HARRISON of Virginia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRISON of Virginia. Is a motion now in order that the House concur in the Senate amendment in regard to min-

ing claims, with an amendment that the amount shall not exceed a certain amount?

Mr. MANN. Mr. Speaker, it is not in order to concur in a part of the Senate amendment with an amendment. The House must by its action in the end dispose of the Senate amendment. The House can concur in the Senate amendment with an amendment, or it can insist upon its disagreement to the Senate amendment, but it can not concur in a part of the Senate amendment with an amendment. It must act upon the whole amendment.

The SPEAKER. Is that the case the gentleman from Virginia presents?

Mr. MANN. That is the case, because the gentleman's suggestion was with reference to section 7 of the Senate amendment. The Senate made one amendment to the entire bill. The action taken by the House, whatever it may be, must be upon the entire amendment. Of course we can concur in the Senate amendment with an amendment striking out all of the Senate amendment and inserting what the House thinks should be inserted, but you can not concur in a part of the Senate amendment. You can instruct the conferees before they are appointed.

The SPEAKER. The gentleman from Illinois has answered the inquiry of the gentleman from Virginia, and the Chair concurs in his answer.

Mr. FIELDS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FIELDS. When this matter was before the House a few days ago, the House instructed the conferees to disagree to section 5 of the conference report. Would a motion be in order to send the conferees back to conference uninstructed?

Mr. MANN. Of course a motion to send the conferees back uninstructed is not in order, because it is not necessary.

Mr. FIELDS. The conferees go back instructed unless the House instructs them.

Mr. GORDON. We have already instructed them.

Mr. MANN. I doubt very much whether they go back instructed. They have reported that they disagree on the instruction that was had. Of course, the conferees might feel obligated to retain the instructions of the House, but when you appoint new conferees my impression is that the old instructions go by the board.

The SPEAKER. The old instructions are played out. We have to start anew again. This matter is precisely where it was when the conferees were appointed.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. The conferees having made a report, and the Speaker having laid the bill before the House, the only action that the House can take at this time is to send it back to conference, is it not?

The SPEAKER. Of course.

Mr. WINGO. Is a motion in order to send the bill back to conference and appoint new conferees?

The SPEAKER. Yes.

Mr. WINGO. I make that motion.

Mr. KAHN. It has already been made.

The SPEAKER. The gentleman from Alabama [Mr. DENT] has already made that motion.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes in regard to this matter, which is a very important matter for the business interests of this country and the European nations.

Mr. FOSTER. Would not the gentleman wait until I offer my motion to instruct the conferees?

Mr. GORDON. Oh, well, we want to divide the time on this.

Mr. CANNON. Does the gentleman propose to discuss the merits of the proposition?

Mr. KAHN. No.

Mr. CANNON. On this bill?

The SPEAKER. If it gets in conference, then before the conferees are appointed the gentleman from Illinois [Mr. FOSTER] can make his motion. The gentleman from Alabama moves that the House insist on its disagreement and ask for a new conference.

Mr. KAHN. Mr. Speaker, will the gentleman from Alabama yield me 10 minutes.

Mr. DENT. I yield the gentleman from California 10 minutes.

Mr. KAHN. Mr. Speaker, the conferees on the part of the House, taking the instructions of the House, refused to accept the Senate amendment on the mineral section of the informal contract bill. The conferees on the part of the Senate are just as firm for the Senate proposition as the conferees on the part of the House. But they suggested that we call to the attention of the House a proposition that they had in mind, namely, that

the bill should be limited to a total expenditure of \$8,000,000 and that the ores to be paid for should be pyrites, manganese, chrome, and tungsten, the ores that were heretofore spoken of on this floor. The Senate conferees claim they have the assurance of their colleagues in the Senate that this proposition must be insisted upon even with a possibility of the bill failing. It is a serious proposition. There are over 6,600 informal war claims involving an aggregate of \$1,600,000,000 in this country. Those are claims in this country alone. There are claims from foreign governments aggregating probably as much more, so that in all probability \$3,000,000,000 is tied up at the present because we have not succeeded in passing any legislation.

Mr. CANNON. Will the gentleman yield?

Mr. KAHN. I do.

Mr. CANNON. That is not \$3,000,000,000 tied up in reference to these minerals?

Mr. KAHN. No; I say the legislation ties up practically \$3,000,000,000.

Mr. CANNON. Precisely, but that is provided for in the House provision.

Mr. KAHN. In the conference report.

Mr. CANNON. And it is not dependent upon the proposition where the House instructed not to agree?

Mr. KAHN. No; it is not; if the gentleman will allow me, the Senate conferees are insisting that some provision be made for some of these mineral claims and are willing to limit the entire amount to \$8,000,000.

Mr. CANNON. The Senate and House are both agreed or would agree on the \$3,000,000,000 that the gentleman refers to?

Mr. KAHN. Yes; that is quite true.

Mr. CANNON. Now, the House is for that, but the House instructed touching the other matter not to agree?

Mr. KAHN. Therefore, the House conferees refused to agree.

Mr. CANNON. And the Senate says the \$3,000,000,000 of proper claims can go to, well back, unless the amendment proposing a limit of \$8,000,000 is agreed to. In other words, if the gentleman will allow me, that provision about the minerals is wicked. There is no appeal from the Secretary of the Interior. The other is guarded, guarded well. This bill was passed on the 5th of October and no authority was ever given to the Secretary of the Interior to make any contracts.

Mr. KAHN. But when it passed the House it was not guarded with regard to appeals that way, and the Senate provision which the conferees have accepted and agreed to—

Mr. CANNON. Oh, no; this is a House bill—

Mr. KAHN. In the original bill as it passed the House the Secretary had practically plenary power.

Mr. CANNON. I will try to get a little time.

Mr. KAHN. Now, I simply want to state the facts to the House. It would be a great misfortune if the bill failed altogether. The conferees on the part of the House having been instructed will carry out so far as they can those instructions.

Mr. CALDWELL. Does not the gentleman think \$8,000,000 is a pretty good price to pay for the privilege of paying some honest debts?

Mr. KAHN. Well, I do not think that question is before the House just now. That has been heretofore discussed. There is a difference of opinion in the House, and I simply took this time in order that I might state to the House what the parliamentary situation is.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. KAHN. I will.

Mr. GARRETT of Texas. I want to ask the gentleman if it has not long been the custom between the two Houses, where legislation originates in one House and amendments are put on in the other House, that the House where the legislation originates insists that the amendments put on by the other House should go out; if it is not the practice for the other House to recede from the amendments and not seek to defeat the legislation by stubbornness?

Mr. KAHN. That has been the unwritten law of conferences. Generally, rather than let legislation fail altogether, the amending House in the final analysis recedes.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. KAHN. I will.

Mr. GREENE of Vermont. Why, if these claims for minerals be just, is the limit fixed for payment to the extent of \$8,000,000? Why not pay them all?

Mr. KAHN. I do not think it is my province or that I should be called upon to answer these questions at this time, because they are not in conference. The question in conference is, Will this House accept the amendment or will it allow the bill to fail? I do not think the conferees ought to be called upon to discuss the merits at this time, because we were instructed.

Mr. GREENE of Vermont. I was simply taking the gentleman at his word and proceeding in good faith. The gentleman

has laid before us the proposition that the Senate hitched on to our original bill a rider which called for the payment of \$8,000,000, presumably of just claims, and that they were endeavoring to ingratiate that rider in our favor by saying it was limited to \$8,000,000.

Mr. KAHN. I will say to the gentleman that Mr. Manning, of the Mining Bureau, appeared before the conferees in the early stages of the conference and announced to the conferees the entire amount involved was between four and one-half millions and \$8,000,000.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. Mr. Speaker—

Mr. STAFFORD. Mr. Speaker, I would like to offer a motion at the proper time to instruct the conferees—

Mr. FOSTER. Mr. Speaker, I think that is hardly fair to do that in advance of what I announced and expected to do.

Mr. STAFFORD. Yes; it is more than fair, because this side prevailed in its position two to one, and I have the right to recognition.

Mr. FOSTER. I do not think the gentleman has, and I do not think the gentleman ought to ask it.

The SPEAKER. The Chair will recognize the gentleman from Illinois [Mr. FOSTER], because he was trying to get in two or three times before.

Mr. DENT. Mr. Speaker, I would like to ask the gentleman from Illinois [Mr. CANNON] if he desires some time?

Mr. CANNON. I would like 10 minutes, Mr. Speaker.

Mr. DENT. I yield to the gentleman 10 minutes.

Mr. STAFFORD. Mr. Speaker, can we not have some of these respective motions disposed of? There is a desire on the part of the House—

Mr. FOSTER. If they will vote on the motion of the gentleman from Alabama [Mr. DENT] and then let me offer my motion to instruct, we could get directly to it.

Mr. STAFFORD. I think we have the right to have the motion to instruct pending, and the substitute may be pending. Here we are proceeding with the debate—

The SPEAKER. The time has not come for the motion. The time to instruct the conferees of the House, demanded on the part of the House, is just before the Chair appoints the conferees.

Mr. FOSTER. We can vote on this amendment and then the gentleman can do it.

Mr. STAFFORD. I think it would be well to have some arrangement whereby we can discuss the motion.

Mr. CANNON. What is the issue now?

Mr. FOSTER. I do not know. Nobody knows.

The SPEAKER. The thing they are talking about is whether the gentleman from Illinois ought to have the right of way, or the gentleman from Wisconsin.

Mr. CANNON. To do what?

The SPEAKER. To offer a motion to instruct the conferees on the part of the House.

Mr. CANNON. That is subject to an amendment when offered. The Chair has already ruled—

The SPEAKER. The only thing before the House is the motion of the gentleman from Alabama [Mr. DENT].

Mr. FOSTER. Why not vote on that?

Mr. DENT. Then, I move the previous question on my motion.

The SPEAKER. The gentleman from Alabama moves the previous question.

Mr. STAFFORD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. That motion does not apply to any motion to instruct the conferees?

The SPEAKER. It does not. It is a flat motion to do the thing that he moved to do. The question is—

Mr. DENT. Mr. Speaker, I withdraw that motion for the present.

Mr. CANNON. It is not in order to make it now.

Mr. FOSTER. It will be when we vote on this.

The SPEAKER. What is the gentleman from Alabama [Mr. DENT] going to do with his hour?

Mr. DENT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DENT. If the previous question is ordered on my motion to further disagree to the Senate amendment, what will be the effect as to any subsequent motion?

The SPEAKER. None whatever.

Mr. DENT. It goes right back to conference?

The SPEAKER. No; it does not. If the previous question prevails, the Chair will immediately put the gentleman's motion, and if that carries, the Chair will appoint the conferees; but in the meantime he would give the gentleman from Illinois an opportunity to get in his motion to instruct.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry.

Mr. DENT. Mr. Speaker, is that motion debatable?

The SPEAKER. Yes; it is debatable unless the previous question is ordered.

Mr. CANNON. There ought to be, then, unanimous consent, if the previous question prevails, to discuss the matter of instruction. Why do you not ask unanimous consent?

Mr. SAUNDERS of Virginia. Mr. Speaker, I wish to propound a parliamentary inquiry. What is the motion of the gentleman from Alabama [Mr. DENT]?

The SPEAKER. To further disagree to the Senate amendment and ask for a conference.

Mr. GARRETT of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Texas. Is it in order for a member of the committee to offer a motion to amend the motion of the gentleman from Alabama and further insist upon its disagreement to the Senate amendment, with the same instructions to the conferees that prevailed before?

The SPEAKER. The gentleman from Alabama moves the previous question.

Mr. GARRETT of Texas. But he withdrew that, if you please.

Mr. DENT. I renewed it.

Mr. GARRETT of Texas. He had withdrawn it. But I made the parliamentary inquiry—

The SPEAKER. If the gentleman moves the previous question and the previous question is ordered, that will end all this.

Mr. GARRETT of Texas. That is what we do not want.

The SPEAKER. I know; but not wanting a thing does not change the parliamentary situation.

Mr. GARRETT of Texas. I want to know whether or not his motion can be amended to the effect that the House further insist on its disagreement, and the conferees shall go under the same instruction as they have before?

The SPEAKER. That is the very thing the gentleman from Illinois [Mr. FOSTER] is trying to do after all this other is cleared up.

Mr. GARRETT of Texas. The gentleman from Illinois [Mr. FOSTER] is going to ask for different instructions.

Mr. FOSTER. Oh, no.

The SPEAKER. The gentleman from Alabama [Mr. DENT] moves the previous question.

Mr. CANNON. Mr. Speaker, if the previous question is ordered now, and then there is a proposition to instruct the conferees by my colleague [Mr. FOSTER] or anybody else, the previous question operates, and there will be no time for any debate.

Mr. FIELDS. Now, Mr. Speaker—

Mr. CANNON. Therefore I think there ought to be an agreement that there should be.

The SPEAKER. The Chair does not think the gentleman from Illinois is correct. The previous question operates on this motion of the gentleman from Alabama [Mr. DENT] and the proposed motion of the gentleman from Illinois [Mr. FOSTER], or whoever offers it, and is a separate proposition and is debatable, unless the previous question is ordered on it. That clears up the situation, right or wrong.

Mr. STAFFORD. Mr. Speaker, I wish to inquire if we can not arrive at some understanding to let the gentleman from Illinois offer his motion, and then let me or some other Member offer a motion as a substitute, and let the previous question be ordered after debate.

Mr. WINGO. I would object to that. The other day the gentleman moved the previous question when I was on the floor, and we did not have an opportunity for one word of debate on this question to instruct.

The SPEAKER. It is always competent to move the previous question by the man who has charge of it.

Mr. GARRETT of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Texas. Would the ordering of the previous question on the motion of the gentleman from Illinois [Mr. FOSTER] preclude the motion made by the gentleman from Wisconsin?

The SPEAKER. Of course, it would.

Mr. DYER. Regular order!

The SPEAKER. The regular order is the motion for the previous question on the motion of the gentleman from Alabama [Mr. DENT].

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. DENT].

The question was taken, and the motion was agreed to.

Mr. FOSTER. Mr. Speaker, I offer a motion to instruct the conferees to agree to the amendment, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. FOSTER:

"SEC. 5. That the Secretary of the Interior be—"

Mr. TAYLOR of Colorado. Mr. Speaker, I make the point of order that the House is not sufficiently in order to hear the amendment.

The SPEAKER. That point of order is well taken.

Mr. STAFFORD. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count.

Mr. STAFFORD. I will withdraw the point of order for the present.

The SPEAKER. The gentleman from Wisconsin withdraws the point of order. The Clerk will report the motion of the gentleman from Illinois [Mr. FOSTER].

The Clerk read as follows:

SEC. 5. That the Secretary of the Interior be, and he hereby is, authorized to adjust, liquidate, and pay such net losses as have been suffered by any person, firm, or corporation, by reason of producing or preparing to produce, either manganese, chrome, pyrites, or tungsten in compliance with the request or demand of the Department of the Interior, the War Industries Board, the War Trade Board, the Shipping Board, or the Emergency Fleet Corporation to supply the urgent needs of the Nation in the prosecution of the war; said minerals being enumerated in the act of Congress approved October 5, 1918, entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply."

The said Secretary shall make such adjustments and payments in each case as he shall determine to be just and equitable; that the decision of said Secretary shall be conclusive and final, subject to the limitation hereinafter provided; that all payments and expenses incurred by said Secretary, including personal services, traveling and subsistence expenses, supplies, postage, printing, and all other expenses incident to the proper prosecution of this work, both in the District of Columbia and elsewhere, as the Secretary of the Interior may deem essential and proper, shall be paid from the funds appropriated by the said act of October 5, 1918, and that said funds and appropriations shall continue to be available for said purpose until such time as the said Secretary shall have fully exercised the authority herein granted and performed and completed the duties hereby provided and imposed: *Provided, however*, That the payments and disbursements made under the provisions of this section for and in connection with the payments and settlements of the claims herein described, and the said expenses of administration shall in no event exceed the sum of \$8,500,000: *And provided further*, That said Secretary shall consider, approve, and dispose of only such claims as shall be made hereunder and filed with the Department of the Interior within three months from and after the approval of this act: *And provided further*, That no claim shall be allowed or paid by said Secretary unless it shall appear to the satisfaction of the said Secretary that the expenditures so made or obligations so incurred by the claimant were made in good faith for or upon property which contained either manganese, chrome, pyrites, or tungsten in sufficient quantities to be of commercial importance: *And provided further*, That no claims shall be paid unless it shall appear to the satisfaction of said Secretary that moneys were invested or obligations were incurred subsequent to April 6, 1917, and prior to November 12, 1918, in a legitimate attempt to produce either manganese, chrome, pyrites, or tungsten for the needs of the Nation for the prosecution of the war, and that no profits of any kind shall be included in the allowance of any of said claims, and that no investment for merely speculative purposes shall be recognized in any manner by said Secretary: *And provided further*, That the settlement of any claim arising under the provisions of this section shall not bar the United States Government, through any of its duly authorized agencies, or any committee of Congress hereafter duly appointed, from the right of review of such settlement, nor the right to recover any money paid by the Government to any party under and by virtue of the provisions of this section, if the Government has been defrauded, and the right of recovery in all such cases shall extend to the executors, administrators, heirs, and assigns of any party.

That a report of all operations under this section, including receipts and disbursements, shall be made to Congress on or before the first Monday in December of each year.

That nothing in this section shall be construed to confer jurisdiction upon any court to entertain a suit against the United States: *Provided further*, That in determining the net losses of any claimant the Secretary of the Interior shall, among other things, take into consideration and charge to the claimant the then market value of any ores or minerals on hand belonging to the claimant, and also the salvage or usable value of any machinery or other appliances which may be claimed was purchased to equip said mine for the purpose of complying with the request or demand of the agencies of the Government above mentioned in the manner aforesaid.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Will I have the privilege of offering an amendment to the motion of the gentleman from Illinois in the nature of a substitute?

The SPEAKER. You can either offer an amendment or a substitute.

Mr. STAFFORD. I wish to be recognized for that purpose.

Mr. FOSTER. I have the floor, Mr. Speaker. I did not yield to the gentleman from Wisconsin to make such a motion. Ha

got up and made a parliamentary inquiry and then said he wanted to offer a substitute. He rose and made a parliamentary inquiry, and then said he wanted to offer an amendment. I do not believe under the rules he has a right to get up and get the floor in that manner and then offer a substitute.

Mr. CANNON. Will my colleague yield for a moment?

Mr. FOSTER. Certainly.

Mr. CANNON. My colleague is a perfectly fair man. As I understand he moves this as an instruction. It is a little awkward fix so far as that is concerned, but let that be as it may. The object of the gentleman is to get the expression of the House for the information and guidance of the conferees. Now, his proposition has been read. It seems that the gentleman from Wisconsin [Mr. STAFFORD] wants another and a different proposition. I think that ought to be read. In other words, my friend from Illinois [Mr. FOSTER] ought not to undertake to shackle the House by a motion for the previous question that will cut out the privilege of the House to work its will.

Mr. FOSTER. I think my colleague is right about that. I do not desire and never have desired to do a thing of that kind. Yet the gentleman from Wisconsin availed himself of all the parliamentary law that he knew necessary to get in a motion, and the previous question was ordered, and the balance of us had to sit still without a word and vote when our names were called, and we have not received very great consideration as to what we wanted to do.

Mr. STAFFORD. We had an understanding that I would be recognized to offer a motion to recommit.

Mr. FOSTER. Yes; and the gentleman offered his motion and moved the previous question.

Mr. STAFFORD. That was carrying out the understanding of the House.

Mr. FOSTER. Mr. Speaker, I want to add the language I send to the Clerk's desk as a part of my motion to instruct the conferees on the part of the House, and I wish to state that this is the part of the former conference report as agreed to by the conferees, up to but not including section 5.

Mr. STAFFORD. If the gentleman has not completed his motion, I do not wish to ask recognition to offer my amendment.

Mr. FOSTER. If there is no objection, I will offer my motion. If there is, of course I will not. I will state again that this is a conference report on the war contract bill, leaving out of it as reported section 5, and I offer a motion to instruct the conferees to agree to section 5 with an amendment.

Mr. GORDON. We have voted that down twice.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks to modify his motion.

Mr. WALSH. Reserving the right to object, the gentleman says this is a conference report. Does the gentleman seek to include part of the conference report in his motion?

Mr. FOSTER. It includes that part of the conference report to which there seemed to be no objection when it was reported on a former occasion and excludes section 5, which included war minerals. Now, I offer as an instruction to the conferees a motion to agree to the Senate amendment with this amendment—that the managers on the part of the House agree to it.

Mr. GARRETT of Texas. Why is that offered as a part of the motion?

Mr. HOWARD. So that the comparison can be made.

Mr. STAFFORD. As I understand it, the only thing in disagreement is section 5.

Mr. FOSTER. I am offering a motion to agree to this amendment with an amendment, and my motion takes the conference report up to section 5, and then adds this other to it, which takes the place of the war minerals section.

Mr. CANNON. This is an amendment, then, and not an instruction?

Mr. FOSTER. It is a motion to instruct the conferees on the part of the House.

Mr. CANNON. Can it be an instruction and an amendment at one and the same time?

Mr. FOSTER. If there is objection to it, why, all right.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

Mr. WALSH. I object to that. Let us do this in an orderly way.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] offers to modify his motion, and the Clerk will report it as modified.

The Clerk read as follows:

Mr. FOSTER moves to instruct the managers on the part of the House to agree to the Senate amendment with an amendment so that the Senate amendment will read as follows:

"That the Secretary of War be, and he is hereby, authorized to adjust, pay, or discharge any agreement, express or implied, upon a fair and equitable basis that has been entered into in good faith during the

present emergency and prior to November 12, 1918, by any officer or agent acting under his authority, direction, or instruction, or that of the President, with any person, firm, or corporation for the acquisition of lands, or the use thereof, or for damages resulting from notice by the Government of its intention to acquire or use said lands, or for the production, manufacture, sale, acquisition, or control of equipment, materials, or supplies, or for services—

Mr. CANNON. Mr. Speaker, I understand this is a motion to instruct the conferees.

The SPEAKER. Yes.

Mr. CANNON. Now, I take it that that is a motion to agree to the Senate amendment with an amendment.

The SPEAKER. If the Chair understands it, it is an instruction to the managers on the part of the House to agree to section 5 of this Senate substitute with certain amendments.

Mr. WINGO. No, Mr. Speaker; if the Chair will permit me, what the gentleman from Illinois has done is to move to instruct the House conferees to agree to the Senate amendment with an amendment, so that it will read identically with the language that the conferees reported before, except the disputed section 5; and on disputed section 5 the gentleman from Illinois proposes to accept the matter agreed to by the Committee on Mines and Mining. In other words, the gentleman from Illinois moves to instruct the conferees to agree to the Senate amendment with an amendment, so that the Senate amendment will read as the Clerk is reading.

The SPEAKER. That is exactly what the Chair stated in answer to the gentleman from Illinois.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Are we not beyond the stage when we can move to concur? The House has taken definitive action to disagree to the Senate amendments.

Mr. GORDON. And has instructed the conferees.

Mr. STAFFORD. And now the only motion in order is to instruct the conferees.

Mr. FOSTER. That is what we are doing.

The SPEAKER. That is what we are trying to do.

Mr. STAFFORD. The motion now is to concur in the Senate amendment with an amendment.

Mr. FOSTER. My motion is that the managers on the part of the House be instructed to agree to the Senate amendment with an amendment, which has been partly read by the Clerk.

The SPEAKER. That is the way the Chair has understood it for the last half hour. The Clerk will read.

Mr. GORDON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GORDON. After the conferees have been twice instructed on this question, and have now been finally instructed to insist on their disagreement, is it in order for the House to undertake to make a new bill in a conference report?

The SPEAKER. The Chair has stated two or three times as thoroughly as anybody can state anything that when it comes back with this disagreement it starts in new, and what happened before as to instructions does not amount to a hill of beans.

Mr. HOWARD. It is de novo.

The SPEAKER. That is it; it is de novo.

Mr. CANNON. Mr. Speaker, has the House already disagreed to this Senate amendment?

The SPEAKER. It has.

Mr. CANNON. And that is disposed of. This is a proceeding to instruct the conferees.

The SPEAKER. This is a motion to instruct the managers on the part of the House to do certain things or to stand out for certain things.

Mr. CANNON. It is a very awkward situation.

Mr. CALDWELL rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. CALDWELL. I make the point of order that it is out of order to instruct the conferees to disagree to anything that we have instructed the conferees to disagree to.

The SPEAKER. The point of order is overruled. The Clerk will read the motion of the gentleman from Illinois.

The Clerk read as follows:

Mr. FOSTER moves to instruct the managers on the part of the House to agree to the Senate amendment with an amendment, so that the Senate amendment will read as follows:

"That the Secretary of War be, and he is hereby, authorized to adjust, pay, or discharge any agreement, express or implied, upon a fair and equitable basis that has been entered into in good faith during the present emergency and prior to November 12, 1918, by any officer or agent acting under his authority, direction, or instruction, or that of the President, with any person, firm, or corporation for the acquisition of lands, or the use thereof, or for damages resulting from notice by the Government of its intention to acquire or use said lands, or for the production, manufacture, sale, acquisition, or control of equipment, materials, or supplies, or for services, or for facilities, or other pur-

poses connected with the prosecution of the war, when such agreement has been performed in whole or in part, or expenditures have been made or obligations incurred upon the faith of the same by any such person, firm, or corporation prior to November 12, 1918, and such agreement has not been executed in the manner prescribed by law: *Provided*, That in no case shall any award either by the Secretary of War or the Court of Claims include prospective or possible profits on any part of the contract beyond the goods and supplies delivered to and accepted by the United States and a reasonable remuneration for expenditures and obligations or liabilities necessarily incurred in performing or preparing to perform said contract or order: *Provided further*, That this act shall not authorize payment to be made of any claim not presented before June 30, 1919: *And provided further*, That the Secretary of War shall report to Congress at the beginning of its next session following June 30, 1919, a detailed statement showing the nature, terms, and conditions of every such agreement and the payment or adjustment thereof: *And provided further*, That no settlement of any claim arising under any such agreement shall bar the United States Government through any of its duly authorized agencies, or any committee of Congress hereafter duly appointed, from the right of review of such settlement, nor the right of recovery of any money paid by the Government to any party under any settlement entered into or payment made under the provisions of this act, if the Government has been defrauded, and the right of recovery in all such cases shall exist against the executors, administrators, heirs, successors, and assigns, of any party or parties: *And provided further*, That nothing in this act shall be construed to relieve any officer or agent of the United States from criminal prosecution under the provisions of any statute of the United States for any fraud or criminal conduct: *And provided further*, That this act shall in no way relieve or excuse any officer or his agent from such criminal prosecution because of any irregularity or illegality in the manner of the execution of such agreement: *And provided further*, That in all proceedings hereunder witnesses may be compelled to attend, appear, and testify, and produce books, papers, and letters, or other documents; and the claim that any such testimony or evidence may tend to criminate the person giving the same shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person in trial of any criminal proceeding.

"Sec. 2. That the Court of Claims is hereby given jurisdiction on petition of any individual, firm, company, or corporation referred to in section 1 hereof, to find and award fair and just compensation in the cases specified in said section in the event that such individual, firm, company, or corporation shall not be willing to accept the adjustment, payment, or compensation offered by the Secretary of War as hereinbefore provided, or in the event that the Secretary of War shall fail or refuse to offer a satisfactory adjustment, payment, or compensation as provided for in said section.

"Sec. 3. That the Secretary of War, through such agency as he may designate or establish, is empowered, upon such terms as he or it may determine to be in the interest of the United States, to make equitable and fair adjustments and agreements, upon the termination or in settlement or readjustment of agreements or arrangements entered into with any foreign government or governments or nationals thereof, prior to November 12, 1918, for the furnishing to the American Expeditionary Forces or otherwise for war purposes of supplies, materials, facilities, services, or the use of property, or for the furnishing of any thereof by the United States to any foreign government or governments, whether or not such agreements or arrangements have been entered into in accordance with applicable statutory provisions; and the other provisions of this act shall not be applicable to such adjustments.

"Sec. 4. That whenever, under the provisions of this act, the Secretary of War shall make an award to any prime contractor with respect to any portion of his contract which he shall have sublet to any other person, firm, or corporation who has in good faith made expenditures, incurred obligations, rendered service, or furnished material, equipment, or supplies to such prime contractor, with the knowledge and approval of any agent of the Secretary of War duly authorized thereunto, before payment of said award the Secretary of War shall require such prime contractor to present satisfactory evidence of having paid said subcontractor or of the consent of said subcontractor to look for his compensation to said prime contractor only; and in the case of the failure of said prime contractor to present such evidence or such consent, the Secretary of War shall pay directly to said subcontractor the amount found to be due under said award; and in case of the insolvency of any prime contractor the subcontractor of said prime contractor shall have a lien upon the funds arising from said award prior and superior to the lien of any general creditor of said prime contractor."

Mr. SAUNDERS of Virginia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAUNDERS of Virginia. Is the matter which has just been read matter that was added to the House bill in the Senate?

The SPEAKER. Yes.

Mr. SAUNDERS of Virginia. That is a matter the conferees are supposed to be instructed to agree to.

Mr. FIELDS. That is the conference report agreed upon, excluding the mineral section.

Mr. WALSH. But we have never agreed to it.

The SPEAKER. The gentleman from Illinois is recognized under the rules of the House for one hour.

Mr. RANDALL. Mr. Speaker, I make the point of no quorum.

Mr. STAFFORD. Mr. Speaker, I offer the following motion.

The SPEAKER. The time has not yet come when the gentleman can offer his motion. The gentleman from Illinois has the floor for an hour. If he does not move the previous question within the hour anybody has a right to get the floor and move to amend or substitute. The rules of the House have been here for a century.

Mr. STAFFORD. I only want the opportunity to offer my motion.

The SPEAKER. The Chair will give the gentleman an opportunity. If the gentleman from Illinois moves the previous question the House has a remedy to vote it down. It seems as if more than three-quarters of the House felt that it was under obligations to vote for the previous question every time it is moved on anything.

Mr. RANDALL. I make the point that there is no quorum present.

The SPEAKER. The gentleman from California makes the point that no quorum is present, and the Chair will count. [After counting.] One hundred and fifty-four Members present, not a quorum.

Mr. FOSTER. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names.

Baer	Denison	Kinkaid	Sanders, La.
Barkley	Dooling	Knutson	Sanford
Barnhart	Dupré	Kreider	Saunders, Va.
Birch	Emerson	Langley	Scully
Black	Essen	Lazaro	Sears
Blackmon	Estopinal	McAndrews	Sells
Booher	Ferris	Mondell	Shackleford
Britten	Flynn	Moon	Steele
Browning	Francis	Mott	Stevenson
Brumbaugh	Gallagher	Mudd	Sullivan
Carlin	Glynn	Neely	Swift
Chandler, N. Y.	Godwin, N. C.	Nicholls, S. C.	Tague
Clark, Fla.	Goodall	Nichols, Mich.	Taylor, Ark.
Coady	Goodwin, Ark.	Nolan	Templeton
Collier	Graham, Pa.	Oliver, Ala.	Thompson
Cooper, Ohio	Gray, N. J.	Park	Tinkham
Cooper, W. Va.	Gregg	Porter	Van Dyke
Copley	Hamill	Powers	Vare
Costello	Hamilton, N. Y.	Price	Venable
Cox	Helntz	Rainey, J. W.	Walker
Crago	Helm	Riordan	Ward
Crisp	Hensley	Roberts	Wheeler
Davey	Hutchinson	Rowland	Wilson, Ill.
Delaney	Johnson, S. Dak.	Russell	Zihlman
Dempsey	Kennedy, Iowa	Sabath	

The SPEAKER. On this call 326 Members have answered to their names, a quorum.

Mr. FOSTER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. COOPER of Ohio indefinitely on account of illness.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. SISSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13277, making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1920, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to take from the Speaker's table the District of Columbia appropriation bill, disagree to the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. SISSON, Mr. McANDREWS, and Mr. DAVIS.

VALIDATION OF INFORMAL WAR CONTRACTS.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] is recognized for one hour.

Mr. FOSTER. Mr. Speaker, the motion which I have offered is to instruct the managers upon the part of the House to agree to the Senate amendment; that is, the original Senate amendment, as passed by the Senate, before any conference was held, together with an amendment which has been read at the Clerk's desk, which takes the place of section 7 of the original amendment and of section 5 of the last conference report. This amendment in reference to war minerals, which seems to be the point upon which the House and Senate have disagreed, provides that the Secretary of the Interior may settle these war-mineral claims to the amount of eight and one-half million dollars. It has been said before upon the floor of the House that the Secretary of the Interior can use the full amount of \$50,000,000 under the war-minerals bill. So in order to obviate any danger of that kind it has been limited to not more than the amount I have mentioned. It also throws around the amendment safeguards for the Government pro-

viding that only upon the personal request or demand of the Government agencies could they be paid, and it then provides for the material which may be on hand—machinery or whatever it may be—and limits the matter to bona fide claims—

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

Mr. FOSTER. Not now—bona fide claims, not speculative claims, but those where the agents of the Government went out and demanded or requested that these men furnish these war materials. These demands or requests were made not all by the Secretary of the Interior or through his agents, but through the War Industries Board, through the Shipping Board, and if anyone would take the time to read the hearings before the Committee on Mines and Mining when the war-minerals bill was under consideration he would see that Mr. Leith, the representative of the Shipping Board, stated what they would carry out in reference to the imports of these war materials into this country. The Shipping Board did not carry out this statement, as I am informed. The Committee on Mines and Mining this morning held a meeting and took up this amendment section by section, paragraph by paragraph, and the committee agreed by a majority, and a large majority, that they would approve of this amendment. I think it is fair and right that these people should be paid something, should be paid their losses. The amendment provides that they shall be paid only their net losses and not any profit.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield just to suggest, in reference to that bill passed in October for \$50,000,000, that that was for the very specific purpose that the amendment provides?

Mr. FOSTER. Exactly. This also names but four minerals which the Secretary of the Interior, through the Director of Mines, shall pay for. It does not take the whole scope of the bill and put all of the minerals that were there. The Secretary thinks this is fair and just for these four minerals to be included. No account is taken of newspaper articles or of every fellow who went out and dug a hole in the ground, but he must be able to show that he really had the minerals there—not a prospecting claim, nothing of that kind, but only the actual mineral that he went out and secured for his Government when his Government asked him to do it, when his Government went to him personally and requested or demanded that he do it. They sent for many of these men to come to Washington, and they came at their own expense, and then appealed to them to go home and do this work for their Government, which was vital to the winning of the war.

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

Mr. FOSTER. Not now.

Mr. STAFFORD. Under what authority of law?

Mr. FOSTER. Under no authority of law—of course not. If this were done under authority of law, we would not be here with this bill, and the gentleman knows that if it was according to law we would not be here with these war contracts, either. [Applause.] That argument does not amount to anything. The question is, in war time, when the Government goes out and requests—demands—that people do certain things to win the war; and, when the war is over, shall a great Government like this leave these men bankrupt, leave them penniless, to go out into the world again and do the best they can? I do not believe this House means to do it, when they fully understand the proposition. We have a plain proposition—one that is fair and right—and I hope the House will agree to it.

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

Mr. FOSTER. Yes.

Mr. FIELDS. As I understand the gentleman's motion, it includes the conference report as agreed to by the conferees, up to section 5.

Mr. FOSTER. Yes. It agrees to the conference report up to the war-mineral section, and then instructs the conferees to agree to that, to which the House has no objection, and then agrees to this new section on the question of war minerals. I yield 10 minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Speaker, I think I am somewhat responsible for the row over this bill, and I have no apologies to make for that. The original proposition as brought in by the Senate had no limitations whatever, either as to the amount or number or character or kind of claims that might be presented and considered by the Secretary of the Interior. I thought that was very bad legislation, and neither had the Committee on Mines and Mining of the House or this House considered this proposition one minute, and I thought that was a bad way to legislate. The proposition brought back by the conferees in their last report was some improvement over the original Senate proposition in some respects, but in others not quite so good, and I thought that the whole thing was a bad proposition, and I therefore opposed it. As has been stated by the gentleman

from Illinois [Mr. FOSTER], the Committee on Mines and Mining had a meeting this morning and considered the proposition which he has now submitted for consideration to the House. I was present at that meeting and took part in it. I have recognized all the time a fundamental difference between the so-called validating war-contract bill and these claims. In that some gentlemen do not agree with me, but I think I am right. In the first place, no claim can be considered by the Secretary of War under that bill unless it amounted to at least an imperfect contract.

Mr. GORDON. Authorized by law.

Mr. HAMLIN. Authorized by law. I think some gentlemen fail to draw that distinction. Every contract that the Secretary of War can consider is a contract, or would have been a valid contract if committed to writing and properly signed, he having authority to make it. Of course, in these so-called mining claims there is no contract; there could be no contract, because nobody was authorized by law to make a contract. I stated on the first day I attempted to discuss this proposition that I realized that there might be certain cases arising on this mining proposition that would have originated under conditions such as in all good conscience the Government ought to indemnify the parties who sustained the loss.

Mr. GORDON rose.

Mr. HAMLIN. But I was not willing to make the blue sky the limit and throw no safeguards around it and take in every character, kind, and class of claims that might be submitted.

Mr. GORDON. Will the gentleman yield?

Mr. HAMLIN. Just for a question.

Mr. GORDON. Does not the gentleman think that these claims he is speaking about ought to be presented separately to the Congress, and Congress ought to be permitted to act on each one on its merits?

Mr. HAMLIN. There is no argument upon that proposition to my mind at all. If it were possible, feasible, and practicable that is exactly the way I think they ought to be settled, but those of us who have been here quite awhile know that if you compel these people to present their claims to Congress as separate claims against the Government perhaps their great grandchildren might realize upon them and in the meantime the claimants be busted and absolutely ruined financially. Now, the proposition as submitted to-day does not meet my approval altogether, I frankly state, but I do believe that it is such a great improvement over the other proposition presented that we can very well consider it, and consider it fairly and without any prejudice. I think it very largely safeguards the Government in the liquidation and settlement of these claims.

Mr. LEVER. Will the gentleman yield?

Mr. HAMLIN. I will.

Mr. LEVER. What is the basis of the calculation by which you reach the sum of \$8,500,000?

Mr. HAMLIN. I attach very little importance to that, I will say to the gentleman. As I stated to the committee this morning, and I state frankly to the House now, that while a limit is attached to the amount that can be paid by the Secretary of the Interior at \$8,500,000, I realize that if a lot of just claims be established which exceeds that amount that they will come back to Congress and ask Congress to make appropriations to pay them, and I think the Congress would feel compelled to do it. I do not attach a great deal of importance to this limitation, but there are gentlemen who do not agree with me on that proposition.

Mr. LEVER. I think the gentleman is right about it entirely.

Mr. HAMLIN. I think I am right. I do not attach much importance to the limitation on the amount made available, but here is what I do attach importance to: Notice the provisions of this bill. In the first instance it takes in but four classes of minerals—manganese, chrome, pyrites, and tungsten. Well, I understand perhaps there could not possibly arise many claims in regard to tungsten. Again, the provision that only those who were especially demanded or requested to produce one of these four minerals can be and are included in this proposition.

Mr. FIELDS. The former conference report recommitted provided that.

Mr. HAMLIN. I know that; that is true. Now, one of the provisos is:

Provided further, That said Secretary shall consider, approve, and dispose of only such claims as shall be made hereunder and filed with the Department of the Interior within three months—

And so forth.

Provided further, That no claims shall be allowed or paid by said Secretary unless it shall appear to the satisfaction of the said Secretary that the expenditures so made or obligations so incurred by the claimant were made in good faith for and upon property which contained either manganese chrome, pyrites, or tungsten in sufficient quantities to be of commercial importance—

And so forth.

Now, that is one safeguard or narrowing down that none of these other provisions have had in them. The others provided that the fellow who went out purely for speculative purposes with a pick and shovel on his shoulder to prospect, with the hope he might find something, with visions of great profits in sight in case the war continued for a considerable length of time, would have come in under those provisions. But not so under the provision which we are now considering.

Mr. LEVER. Will the gentleman yield?

Mr. HAMLIN. In just a moment. I want to call attention to the other provisions. We limit it only to those cases where the minerals were in sight in sufficient quantity to be of service to the Nation in its extremity if the war had continued.

Mr. HOWARD. Bona fide operators?

Mr. HAMLIN. "Bona fide operators" is a good suggestion, and I accept the amendment. Another provision is:

Provided further, That no claim shall be paid unless it appears to the satisfaction of the said Secretary that money so invested and obligations incurred prior to November 12 in a legitimate attempt to produce either manganese, chrome, pyrites, or tungsten for the needs of the Nation for the prosecution of the war.

And that all speculative investments of any kind or purpose whatever are specifically excluded. Then here is another proposition:

That in determining the net losses—

And that is the only kind he is permitted to pay under this provision—

he shall take into consideration, among other things, the then market value of any ores or minerals on hand and belonging to the claimant and the salvage value of any machinery or other appliances which it was claimed was purchased with which to equip such mine in the manner aforesaid.

And so forth. For instance, here is a man who presents a claim, and it develops that he has gotten 10, 15, 20, 30, 40, or 50 tons of ore out on the dump.

The SPEAKER. The time of the gentleman has expired.

Mr. HAMLIN. I would like five minutes.

Mr. FOSTER. I will give the gentleman two.

Mr. HAMLIN. All right. Thank you.

Then he ought not to be permitted, of course, to keep that ore and be paid his estimated losses in addition. If he keeps that ore he ought then to be charged with the market value of it.

Here is another man who says that he has invested \$50,000, \$75,000, or \$100,000 in machinery. He has not taken out any ore, but had to install the machinery with which to operate his mine. He has bought the machinery and installed it, and, of course, will keep it. Then, in that case, the salvage value of that machinery ought to be charged to him and he ought not to keep the machinery and collect from the Government the first cost of it.

All of these safeguards have been put in there; and if anybody can think of any other provision that will further restrict it I will be glad to support it. I think the House knows that I do not look with great favor on these claims, but we are safeguarding it, and now propose to pay only the men who were induced by the agencies of the Government to invest their money in order to help the Government in this extremity of war and to pay only actual net losses—not speculative but such net losses as he can possibly show that he has sustained. When that is done that is as far as I am willing to go. Believing this is the best proposition presented, and that it is reasonable, I shall vote for it.

Mr. GORDON. The gentleman does not claim the Government authorized any of this?

Mr. HAMLIN. Oh, no.

Mr. GORDON. The gentleman said "the Government."

Mr. HAMLIN. Not legally. I draw that distinction between these two classes of claims. If the Government agency—I do not say they did, but that is what the claimants will have to prove—if the Government agencies did the things set out in the first part of this amendment, then the actual net loss that man or firm sustained, with all of these deductions, ought to be paid. And for these reasons I am going to vote for this amendment.

Mr. FOSTER. I yield to the gentleman from Illinois [Mr. MADDEN].

The SPEAKER. The gentleman from Illinois is recognized for three minutes.

Mr. MADDEN. Mr. Speaker, when this conference report came back to the House with the item in it providing for the adjustment of the claims regarding mineral products I was opposed to it because it included many things which ought not to have been included. But there were some minerals which seemed to

me to be essential to the successful conduct of the war, and they included pyrites, tungsten, chrome, and manganese.

These four minerals particularly were important and essential, and while no Government officer had legal authority to authorize investments during the war, yet the importance of the situation was such that I believed they were justified in encouraging men to invest their money to develop these minerals in order that the Government of the United States might be in a position to meet the situation which confronted the Nation at that time.

After this conference report was sent back I suggested its modification to include only these four minerals. I know of cases where men have invested all their fortunes on the faith of the Government in the development of these minerals purely as a war measure, and it would not be fair for us to say to these men now, "Having invested your money on the faith of the Government as citizens of the United States, anxious to promote the country's welfare to win the war, the Government now will lead you into bankruptcy." And it is because of the patriotism of these men who took a chance and were willing to depend upon the honor and the good faith of their Government that I am willing now to provide for the adjustment of the losses which they have made, and made purely because they were anxious to win the war. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. FOSTER. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

The SPEAKER. The gentleman from Wisconsin is recognized for 10 minutes.

Mr. STAFFORD. Mr. Speaker, there is no difference in substance between the present status of this motion and what was before the House some days ago. It is merely a question whether the Congress would take the position that we will indemnify every business man who happened to make some investment of some kind in anticipation of profit growing out of the war, with the war coming to a close and those profits not accruing.

If we adopt these instructions of the gentleman from Illinois [Mr. FOSTER], it will commit the Government to the payment of hundreds of millions of dollars. The mere fact that it is limited to \$8,500,000 does not mean that we are limited to that amount, because the amendment provides that every person within three months may have the privilege of presenting his claim. I know of many manufacturers who went ahead and erected large plants in anticipation of contracts, in anticipation that the war would go on and that they would make great profits. Yet they have lost heavily by reason of the cessation of the war. And yet no one would commit the Government to the payment of such losses. Here, however, you are going to recognize the mine operators who, since April 6, 1917, at the request of these various Government officials, went into the production of these minerals. We know that the price of manganese rose from something like \$70 a ton to \$600 a ton; but this proposition does not undertake to consider the profits that these various mine operators may have made during the war period out of their mining operations, but it proposes that we compensate them for the losses occasioned by the fall in price and the amount of their investment that was made to develop these mines.

We know that to-day the price of manganese has fallen greatly; and now you are asking Congress to indemnify these various mine operators who went into this development as a business risk, and to have the Government virtually guarantee the price and thereby reimburse them. It is admitted by the gentleman from Illinois [Mr. FOSTER] that they proceeded without any authority of law, merely on the request of some Government activity to go ahead and produce something that they thought they could make profits out of. That is the one proposition before the committee. If we adopt this position here to-day, we will be obligated to pay every one of these claims; and if we are obligated to pay these claims here, we will be obligated to pay similar claims, because it will be a precedent from which we can not escape.

On two prior occasions the House took a positive position on this matter, and it is fundamental in conferences between the two bodies that where one body proposes legislation, if the other House insists on its disagreement, the body proposing the legislation must recede. This is merely putting it up to the House whether we will stand firm in our opposition against this raid on the Treasury that may amount to hundreds of millions of dollars, and put it up to these mining operators, who have the ear of the other end of the Capitol, that we will not recede from our disagreement. The question is whether we will do that, or whether we will surrender our position in these closing days of

this Congress. There is no doubt in my mind that if we remain firm that these other propositions validating war contracts will be agreed to before the close of the Congress.

Mr. McKENZIE. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Illinois.

Mr. McKENZIE. I desire to ask the gentleman from Wisconsin if the adoption of this proposition would not be the establishment of a precedent in legislation in this country heretofore unknown?

Mr. STAFFORD. Never before in the history of the Congress have we attempted anything like this. If we do it here we must recognize it in all cases. And why not? Every person who made an investment at the request of Government officials would be entitled to compensation for the loss which he had sustained by reason of those investments not being utilizable to-day.

Mr. DEWALT. Did the gentleman in his experience ever know of a Cabinet officer or any other officer of the Government being constituted judge, jury, and payer of the amounts claimed against the Government by the provisions of any legislation?

Mr. STAFFORD. That confirms the viciousness of this proposal. And more than that; when we passed this original mining bill, in April, 1918, it provided for the price guaranty of these minerals. It was so radical that even the Senate refused to agree to that, and that is what we are agreeing to here. It was lodged over in the Senate for five months. At last, in September, it was agreed to in the contract form, authorizing the Government to contract for these supplies that were necessary for carrying on the war. The President, after the act was passed, on October 5, 1918, never exercised the authority. They have to admit that they have no ground whatsoever to proceed on; and now, in the closing days of the Congress, it is proposed that these claimants, who have made immense profits perhaps, shall be guaranteed the difference in the price of these minerals since they have fallen or be paid the amount of their investment. That is what they are asking.

Mr. DEWALT. I want to ask the gentleman another question on the same line. In his legislative experience did he ever find any conference report or any bill which attempted to limit the jurisdiction of a court as to its judicial functions in the way of determining damages? I call attention to this provision in the motion of the gentleman from Illinois:

Provided, That in no case shall any award either by the Secretary of War or the Court of Claims include prospective or possible profits on any part of the contract beyond the goods and supplies delivered to and accepted by the United States and a reasonable remuneration for expenditures and obligations or liabilities necessarily incurred in performing or preparing to perform said contract or order.

That is clearly a judicial function. You can not limit the amount of damages which are awarded by a court by any legislative action.

Mr. STAFFORD. That relates to irregular contracts for war supplies which failed to be negotiated in our favor because of the signing of the armistice. Now, there is no relation whatsoever between these mining claims—which are not even equitable claims, from my viewpoint—and the cases where the Secretary of War or the War Department actually called upon an individual to enter into contracts for the production of articles which were really necessary for carrying on the war. In these latter cases the officials had authority to enter into contracts. But here these mining operators took a business risk upon a mere verbal request of some Government official to produce who had no authority to bind the Government with any such contract. They went and made their investment, bottomed on the idea that high prices would be maintained and that they would receive the benefit of those high prices. There was no guaranty of any kind or sort. No Government official had any authority to make any. There was no action by any Government official to warrant their going ahead, except that which would induce any business man to go ahead and invest his money on the chance of making a profit.

As I said in my remarks before, I know of men in the foundry business who have invested hundreds of thousands of dollars on plants just nearing completion or completed at the close of the war who are out their entire investment and who went ahead in expectation of Government orders and whose plants are virtually a complete loss. If you grant this request of these mine operators, these foundry men are more entitled to recompense, because they did not get any profit at all. Some of these mining operators got enormous profits, and yet you propose to recompense them when they have no right whatsoever to be recompensed, and this is being done under the threat that this bill will be held up, when we all know that it will not be held up; but that if we stand firm in these closing hours of the session and not allow any interest to raid the Treasury to the extent of hundreds of millions of dollars that the Senate will have to recede.

Mr. HOWARD. The gentleman says these men made enormous profits. Does the bill provide for anything except the net losses of these men? It is the net loss, not a profit. The gentleman knows that.

Mr. STAFFORD. It provides for compensating them for their investment—their machinery and the amount of money invested.

Mr. HOWARD. It says their net losses. The gentleman knows it says so.

Mr. STAFFORD. They are going to be paid for the amount of their investment, regardless of the profits they may have made by sale of minerals. It is not like these other war contracts at all.

Mr. DENISON. I want to ask the gentleman a question.

Mr. STAFFORD. I intend to offer the following amendment, which is identical with the amendment offered when this matter was last before the House, that the managers on the part of the House be instructed not to agree to section 7 of the Senate amendment in any form. That was our position on two prior occasions, and I think it should be our position now more firmly than ever.

Mr. DENISON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. DENISON. On what authority does the gentleman make the statement that these men who are asking for an adjustment have made enormous profits?

Mr. STAFFORD. Everybody knows that if they developed manganese it was at a big profit when it was selling at 600. If it was selling at 60 they would not. These four minerals mentioned are those most generally used. It proposes to pay them the amount of their investment, which happens no longer to be profitable at present low prices.

The SPEAKER pro tempore (Mr. TAYLOR of Colorado). The time of the gentleman has expired.

Mr. FOSTER. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GARLAND. Mr. Speaker, when this proposition was before the House I opposed it, but it was not then the same proposition that is pending now. I now think that this amendment should pass. I think in fairness to the men who put their money into these investments, at the invitation of some Government official, who told them that they would receive remuneration therefor, should now have their remuneration. It is said that no contract was signed. That is true, but men connected with the Interior Department, under the Secretary of the Interior, did go to men who had prospects for this material and asked them to develop it, and told them further that there was a bill to be brought into Congress with the intention of stabilizing the price and that they might realize or at least get out of their investment whole. That was plainly stated. It was after the war began; it was a time when they were calling upon people to do something to help in the way of patriotism, and these men had the prospects, and they were calling upon them, and at the cost of their own pockets, in order to develop and help in the work, they went forward. Whether they succeeded or not, they were induced to go in by statements made to them.

I will say that this question would not have come up at all at this time had it not been that the gentlemen on the other side of the House have always refused to protect these industries. If we had protected them in the past, as we expect to in the future by a protective tariff, these industries would have been developed, and when the war came on we would not have been in the position that we were in.

Mr. STERLING. Will the gentleman yield?

Mr. GARLAND. Yes.

Mr. STERLING. Is the gentleman's mind as open and clear on the fact that every producer of minerals who was asked by a Government official to produce ought to be indemnified?

Mr. GARLAND. Only those who suffered loss.

Mr. STERLING. May I state this case to the gentleman: What does he think of the coal producer in Pennsylvania who sustained losses?

Mr. GARLAND. I believe that the Fuel Board or the President fixed the price of coal.

Mr. STERLING. I understand when some Government official took up the question and asked the coal men to take dumpings from the coke plants, buy a particular kind of machinery and produce that stuff for war purposes, that within 20 days after that the machinery was condemned.

Mr. GARLAND. That is irrelevant to this proposition. These four different minerals named in this amendment were minerals that had not heretofore been developed.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOSTER. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. OLNEY].

Mr. OLNEY. Mr. Speaker, I believe it is only the part of good sense and sound wisdom for the House to reverse its position of a week ago and agree to the Foster amendment. The four minerals enumerated in this law come from certain sections—the South, the Middle West, and the far West—and they are just as much moral obligations to these mining men as the 6,600 in the war-contract bill. I sincerely hope that the House will reverse its position, because we have but six legislative days remaining, and the bill is in great danger of not being passed at this session if the House does not reverse itself.

Mr. GORDON. Will the gentleman yield?

Mr. OLNEY. Yes.

Mr. GORDON. You do not claim that there was any contract for this development?

Mr. OLNEY. No; but there was a moral obligation.

Mr. GORDON. Oh, yes; you want to give it to them. That is all. [Laughter.]

Mr. FOSTER. Mr. Speaker, I yield 10 minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, there have been so many erroneous and misleading statements about the proposition that it would be impossible to answer all of them in the limit of 10 minutes. The proposition before the House is a simple one. The House first passed what was known as the validating-contract bill for the War Department. In other words, to validate what they called informal contracts, but which were not legal contracts, because in some instances the clerk who had ordered the goods had no authority, and the Secretary of War did not know that he had any such clerk.

Now, when that went to the Senate, the Senate attached what was known as the Henderson amendment, which authorized the Secretary of the Interior to pay certain claims, based upon the operations of certain people under the war-minerals act which passed in October. When it came back to the House, the House refused to agree to the Henderson amendment. The House adopted a motion by the gentleman from Wisconsin [Mr. STAFFORD] to instruct the conferees not to agree to that amendment in any form.

The conferees of the House followed the instructions and reported a disagreement. It now starts over again, and what is the proposition? The gentleman from Illinois [Mr. FOSTER] has offered here a proposal that you instruct the conferees to agree to everything they formally agreed to with reference to the war contracts, and in addition to that agree to the Senate amendment on this war minerals proposition with an amendment, which is nothing more than the proposition that the Committee on Mines and Mining of the House has agreed to this morning by an overwhelming vote, only two votes being recorded against it. What is that proposition? It is that the Secretary of the Interior in considering and settling these claims shall have certain limitations placed upon him. They are the same limitations that the gentlemen who now complain about the limitations insisted when we had up the conference report before should be placed upon him. Gentlemen before said that \$50,000,000 was the limit, as they have said to-day, and that the sky is the limit; and now when the Committee on Mines and Mining comes in and puts on a limitation of eight and a half millions they still say that the sky is the limit. Mr. Speaker, that is nothing but camouflage. What other limitation is there that you shall not consider any speculative profits? Gentlemen who have read this amendment have said that any man who had a little hole in the ground and went in with the hope of a speculative profit could have his claim considered on this bill.

I say to you as one who thinks he knows something about the legal effect of language that that kind of a claim can not be considered at all by the Secretary of the Interior. It specifically limits him to claims that are different from that. No man who relied upon the advertisements, no man who relied upon the general cry that each man do his patriotic duty, no man who relied on hope that he would come in and reap a speculative profit, shall be considered under the terms of this proposal. What kind of claim can be considered? You say that there is no contract. Neither had these other war-contract people. They have not any legal contracts. If they had, you would not be sitting here with this bill, and gentlemen know it.

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

Mr. WINGO. No; I do not yield to my kind, yet vociferous and volcanic, friend from Ohio.

Mr. GORDON. The gentleman does not know about this.

Mr. WINGO. I do know about this. I am somewhat different from the gentleman. I am not one of those who is willing to pay the moral obligations of the United States to Spanish contractors, to Italian contractors, to English contractors, and then decline to meet the moral obligations that the Government

owes to little contractors throughout the United States who furnished war materials that were necessary in the manufacture of war materials. [Applause.] When this bill was under consideration before our committee the War Trade Board and the Shipping Board and the administration forces—the President was back of it, for you remember that he phoned here when the bill was hanging in the balance—came to us and what did they say? They said, "We have got to stop this shipping from Brazil, New South Wales and China and Spain that is carrying this manganese ore and the pyrites and chrome, etc.," and the munition manufactures, who were manufacturing our munitions, came down to Washington and said to us, "If you shut off our supplies of these minerals from Spain and from Brazil and from Japan and the East Indies we can not turn out these munitions."

So the War Trade Board came down here and asked us to pass that bill. They took that bill and went out to these men and appealed to them—for profit? No. One man I know they brought here. He does not live in my district. They brought him to Washington and took him down before the War Trade Board and said, "You have got a great deposit of certain ore down there and we need it, and we want you to go to work and get it out," and he said, "Oh, no; there is no money in that; I went broke in it once. I will not do that. Take my property free if the Government needs it, but I can not afford to work it." But they found out that he had two sons in the trenches and three more going, and they said, "It is true that there is no profit in it, and we can not give you a contract now, but the President is back of this bill that has passed the House. It is going to the Senate, and when it does become a law we will make you a contract that will prevent you from suffering any loss." He said, "All right; I do not want any profit; I will go back home and discharge my patriotic duty." He said to this War Trade Board that any man who has common sense knows that he can not make any profit; that they would go broke on it; that he had gone broke on it once, but had accumulated a competency in another business. He said that he did not want to risk that, but when they appealed to his patriotism he went back, and he went to other men who had sons in the trenches, and he worked every day and he mortgaged his farm to get money to buy machinery and to pay a pay roll and he hired men and put them to work. One man told me who heard him make a speech on the dump to the men and he said, "You have boys in the trenches the same as I, and every time you get out a ton it saves a ton of shipping from Brazil and sends a ton of food and supplies to our boys." Oh, you ask me by what authority he was told to do these things. Point me to a higher authority than that patriotic impulse to respond to the needs of his country. [Applause.] Some say that we will set a precedent if we pass this. Your war-contracts bill is a precedent. Has not the Congress of the United States courage enough to say that where the Government, under the driving force of patriotism, made men go and put all they had into producing something for the Government at a loss, when they are facing bankruptcy and their homes are about to be sold over their heads, has not the Congress of the United States courage enough to stand up and say, "Precedent or no precedent, we will discharge that moral obligation"?

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

Mr. WINGO. I am sorry, but I have not the time. I have seen men who wished to squirm out of their moral obligations, and I have never had very much respect for them. I do not mean any reflection upon you gentlemen. I can very well understand the attitude of the man who says that inasmuch as there is no legal authority we will not have anything to do with it. I can not understand a man who had that view and yet who will vote for the war-contracts bill because there is no legal contract there. As I said once before on this floor, the trouble in these days now throughout all of the nations of the earth is that people have lost faith in the justice of their governments; and God pity this country whenever the time comes when an old man like the one I have told you about, who gave five sons to this country's cause, is compelled to go back to his wife and say, "Yes; we will have to sell the home over our heads, because the Congress of the United States, made up of a bunch of technical lawyers, said it would not discharge its moral obligations to me." The government that will not discharge its moral obligations loses the confidence, and deservedly so, of its citizens. I am more scrupulous about my moral obligations by which I am not bound by law than I am about my legal obligations. I respect my legal obligations, but I may resist them and tell my creditor to go into court and compel me to live up to my contract; but God pity the man who refuses to do justice when his claimant comes up and says, "I have no claims of law against you, but I gave you something of value when you

came to me in the hour of your need and asked me for it; I gave you my substance, relying upon your honor and your sense of fairness and justice to fulfill that obligation. Now I appeal to your honor as a man; I can not compel you to do it in the court."

What a contempt you have for the man who turns upon people like that and says, "Oh, well, I am not legally bound." You have the utmost contempt for him. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. Mr. Speaker, I ask that the gentleman from Wisconsin [Mr. STAFFORD] be allowed to offer a substitute without my losing the floor.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Wisconsin be permitted to offer a substitute without the gentleman from Illinois losing the floor. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Mr. Speaker, I offer the following substitute for the motion to instruct the conferees offered by the gentleman from Illinois.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

Mr. STAFFORD moves to instruct the managers on the part of the House to concur in the Senate amendment with an amendment as follows: That the managers on the part of the House be instructed not to agree to section 7 of the Senate amendment in any form.

The SPEAKER. The question is on the substitute.

Mr. FOSTER. Mr. Speaker, how much time have I?

The SPEAKER. The gentleman has seven minutes.

Mr. FOSTER. Mr. Speaker, the gentleman from Wisconsin [Mr. STAFFORD] offers an amendment which, of course, is not strictly in order, and yet I desire, as far as I am concerned, to be perfectly fair with the House, and I could not do otherwise if I should try. I have no desire to do otherwise. In my judgment this amendment which has been offered to instruct the conferees to agree to the amendment which has been reported at the Clerk's desk some time ago provides the language exactly, as I said before, which the conferees agreed to in reference to the war contracts. Now, I want to say in all fairness that the Committee on Mines and Mining, composed of at least a fair representation of the House—and I think the Members, outside of myself, are as good as any of them—

Mr. DYER. Why so modest?

Mr. FOSTER. They have gone over this carefully. They went over this amendment section by section, paragraph by paragraph, and they came to the conclusion that this amendment was fair and right and threw around all the restrictions which were necessary to protect the Government.

Mr. GORDON. Not all of them.

Mr. FOSTER. Oh, yes.

Mr. GORDON. Two of them did not.

Mr. FOSTER. I said the committee did agree to it.

Mr. GORDON. The majority.

Mr. FOSTER. All except two, if the gentleman wants to put it that way. The chairman of that committee does not desire to deceive the House on that. Now, I hope that the amendment offered by the gentleman from Wisconsin will be voted down, and then, with the amendment offered, it will give the relief that these men ought to have. These are not contracts; of course they are not contracts, and nobody is claiming they are such. If they had been contracts legally it would not have been necessary to have this bill at all, but this is in order to correct an illegality, that these men may get their money. Now, Mr. Speaker, I move the previous question on the substitute to the amendment and the amendment.

The SPEAKER. The gentleman moves the previous question on his own motion and on the substitute offered by the gentleman from Wisconsin.

The previous question was ordered.

The SPEAKER. The question is on the substitute offered by the gentleman from Wisconsin.

The question was taken, and the Speaker announced the yeas and nays seemed to have it.

Mr. STAFFORD. Division, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin demands a division.

The House proceeded to divide.

Mr. STAFFORD. Mr. Speaker, I demand the yeas and nays on the substitute.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present, and the Chair will count. [After counting.] Two hundred and seven gentlemen are present, not a quorum. The Doorkeeper will

lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 118, nays 215, answered "present" 3, not voting 92, as follows:

YEAS—118.

Alexander	Frear	London	Sisson
Ashbrock	Gard	Lundeen	Snell
Beshlin	Garner	McCormick	Snook
Bland, Ind.	Garrett, Tenn.	McKenzie	Stafford
Blanton	Garrett, Tex.	McKinley	Stegall
Browne	Good	McLaughlin, Mich.	Stedman
Buchanan	Gordon	Mann	Steenerson
Burroughs	Green, Iowa	Mansfield	Stephens, Miss.
Byrnes, S. C.	Greene, Vt.	Mason	Sterling
Byrnes, Tenn.	Griest	Miller, Minn.	Sumner
Campbell, Kans.	Hamilton, Mich.	Montague	Temple
Candler, Miss.	Harrison, Miss.	Moon	Thomas
Cannoz	Hastings	Moore, Pa.	Venable
Carter, Okla.	Haugen	Nelson, A. P.	Vestal
Connally, Tex.	Hollingsworth	Nelson, J. M.	Vinson
Cramton	Houston	Norton	Voigt
Crisp	Huddleston	Oliver, Ala.	Volstead
Crosser	Hull, Iowa	Parker, N. J.	Walsh
Davis	Hull, Tenn.	Quin	Wason
Dent	Ireland	Ragsdale	Webb
Dewalt	James	Ramseyer	Whaley
Dies	Johnson, S. Dak.	Rayburn	Wheeler
Dillon	Juul	Rose	Wilson, Tex.
Dixon	Keating	Saunders, Va.	Wise
Domlnick	Kelly, Pa.	Schall	Wood, Ind.
Doughton	Kincheloe	Scott, Iowa	Young, N. Dak.
Dowell	Kraus	Scott, Mich.	Young, Tex.
Eagan	Larsen	Shallenberger	Zihlman
Eagle	Leshner	Sherley	
Fairfield	Lever	Sherwood	

NAYS—215.

Almon	Fess	Lampert	Reed
Anderson	Fields	Langley	Riordan
Anthony	Fisher	Lazaro	Robinson
Aswell	Focht	Lea, Cal.	Rogers
Austin	Fordney	Lehbach	Romjue
Ayres	Foster	Linthicum	Rouse
Bacharach	Freeman	Littlepage	Rowe
Bankhead	French	Lobeck	Rowland
Barnhart	Fuller, Ill.	Loneragan	Rubey
Beakes	Fuller, Mass.	Longworth	Sanders, Ind.
Bell	Gallivan	Lufkin	Sanders, N. Y.
Benson	Garland	McArthur	Sanford
Black	Gillett	McClintic	Shouse
Bland, Va.	Glynn	McCulloch	Siegel
Bowers	Goodall	McFadden	Sinnott
Burnett	Gould	McKeown	Slyden
Caldwell	Graham, Ill.	McLaughlin, Pa.	Slomp
Campbell, Pa.	Gray, Ala.	McLemore	Sloan
Caraway	Greene, Mass.	Madden	Smith, Idaho
Carew	Griffin	Magee	Smith, Mich.
Carter, Mass.	Hadley	Maher	Smith, T. F.
Cary	Hamlin	Mapes	Snyder
Chandler, N. Y.	Hardy	Martin	Stiness
Chandler, Okla.	Harrison, Va.	Mays	Strong
Church	Haskell	Merritt	Sweet
Clark, Pa.	Hawley	Miller, Wash.	Switzer
Classon	Hayden	Mondell	Taylor, Colo.
Connelly, Kans.	Hayes	Moore, Ind.	Thompson
Cooper, W. Va.	Heaton	Morgan	Tillman
Cooper, Wis.	Heflin	Morin	Tilmer
Currie, Mich.	Helvering	Mott	Timberlake
Curry, Cal.	Hersey	Nichols, Mich.	Tinkham
Dale	Hicks	Oldfield	Townner
Dallinger	Holland	Oliver, N. Y.	Treadway
Darrow	Hood	Olney	Van Dyke
Davey	Howard	Osborne	Vare
Decker	Humphreys	O'Shaunessy	Waldow
Dempsey	Husted	Overstreet	Walker
Denison	Hutchinson	Padgett	Walton
Denton	Igoe	Paige	Ward
Dickinson	Jacoway	Parker, N. Y.	Watkius
Dill	Johnson, Ky.	Peters	Watson, Pa.
Donovan	Johnson, Wash.	Phelan	Watson, Va.
Doollittle	Jones	Platt	Weaver
Doremus	Kahn	Polk	Welling
Drane	Kearns	Porter	Welty
Dyer	Kehoe	Pou	White, Me.
Elliott	Kelley, Mich.	Pratt	Williams
Elston	Kennedy, R. I.	Purnell	Wilson, La.
Esch	Kettner	Rainey, H. T.	Wingo
Erans	Kiess, Pa.	Raker	Winslow
Fairchild, B. L.	King	Ramsey	Woodyard
Farr	Kinkaid	Randall	Wright
Ferris	La Follette	Reavis	

ANSWERED "PRESENT"—3.

Butler	Edmonds	Knutson
--------	---------	---------

NOT VOTING—92.

Baer	Collier	Flood	Hilliard
Barkley	Cooper, Ohio	Flynn	Kennedy, Iowa
Birch	Copley	Foss	Key, Ohio
Blackmon	Costello	Francis	Kitchin
Boober	Cox	Gallagher	Kreider
Brand	Crago	Gandy	LaGuardia
Britten	Delaney	Godwin, N. C.	Lee, Ga.
Brodbeck	Dooling	Goodwin, Ark.	Little
Browning	Drukker	Graham, Pa.	Lunn
Brumbaugh	Dunn	Gray, N. J.	McAndrews
Cantrill	Dupre	Gregg	Mudd
Carlin	Ellsworth	Hamill	Neely
Clark, Fla.	Emerson	Hamilton, N. Y.	Nichols, S. C.
Claypool	Essen	Heintz	Nolan
Cleary	Estopinal	Helm	Overmyer
Coady	Fairchild, G. W.	Hensley	Park

Powers	Russell	Sims	Swift
Price	Sabath	Small	Tague
Rainey, J. W.	Sanders, La.	Smith, C. B.	Taylor, Ark.
Rankin	Scully	Steele	Templeton
Roberts	Sears	Stephens, Nebr.	White, Ohio
Rodenberg	Sells	Stevenson	Wilson, Ill.
Rucker	Shackelford	Sullivan	Woods, Iowa

So the substitute was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. WHITE of Ohio with Mr. BAER.

Mr. ESTOPINAL with Mr. EMERSON.

Mr. BRUMBAUGH with Mr. COSTELLO.

Mr. TAYLOR of Arkansas with Mr. WILSON of Illinois.

Mr. HAMILL with Mr. LA GUARDIA.

Mr. NICHOLS of South Carolina with Mr. GRAHAM of Pennsylvania.

Mr. SULLIVAN with Mr. BIRCH.

Mr. DOOLING with Mr. BRITEN.

Mr. GALLAGHER with Mr. BROWNING.

Mr. SCULLY with Mr. COOPER of Ohio.

Mr. BARKLEY with Mr. CRAGO.

Mr. BLACKMON with Mr. DRUKKER.

Mr. BOOHER with Mr. DUNN.

Mr. BRAND with Mr. ELLSWORTH.

Mr. STEELE with Mr. BUTLER.

Mr. CANTRILL with Mr. ESSEN.

Mr. CARLIN with Mr. GEORGE W. FAIRCHILD.

Mr. CLARK of Florida with Mr. FLOOD.

Mr. CLEARY with Mr. FLYNN.

Mr. COADY with Mr. FOSS.

Mr. COLLIER with Mr. HAMILTON of New York.

Mr. GANDY with Mr. HEINTZ.

Mr. GODWIN of North Carolina with Mr. KENNEDY of Iowa.

Mr. GOODWIN of Arkansas with Mr. KREIDER.

Mr. HELM with Mr. LITTLE.

Mr. HENSLEY with Mr. MUDD.

Mr. LEE of Georgia with Mr. NOLAN.

Mr. LUNN with Mr. POWERS.

Mr. MCANDREWS with Mr. RODENBERG.

Mr. NEELY with Mr. SELLS.

Mr. PARK with Mr. SWIFT.

Mr. JOHN W. RAINEY with Mr. COPLEY.

Mr. SABATH with Mr. FRANCIS.

Mr. SANDERS of Louisiana with Mr. GRAY of New Jersey.

Mr. SIMS with Mr. WOODS of Iowa.

Mr. SMALL with Miss RANKIN.

Mr. TAGUE with Mr. ROBERTS.

Mr. SEARS with Mr. TEMPLETON.

The SPEAKER. A quorum is present, the Doorkeeper will open the doors. The question is on the motion of the gentleman from Illinois [Mr. FOSTER].

The question was taken, and the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. STAFFORD) there were—ayes 176, noes 48.

So the motion was agreed to.

The SPEAKER announced the following conferees: Mr. DENT, Mr. FIELDS, and Mr. KAHN.

MINING ON PUBLIC DOMAIN.

Mr. FERRIS, by the direction of the Committee on Public Lands, submitted a conference report on the bill S. 2812, an act to encourage and promote the mining of coal, phosphate, oil, gas, and sodium on the public domain, for printing under the rules.

APPOINTMENT OF CHAIRMAN.

The SPEAKER. The Chair appoints Mr. LINTHICUM as chairman of the Committee on Disposition of Useless Executive Papers.

VICTORY LOAN.

Mr. KITCHIN. 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. 16136, known as the victory liberty loan bill.

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. 16136, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 16136) to amend the liberty bond acts and the war finance corporation act, and for other purposes.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with,

Mr. WALSH. Has the gentleman any objection to the bill being read?

Mr. KITCHIN. No; except that I would like to save the time. I am going to take up the bill section by section.

Mr. WALSH. All right; I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina that the first reading of the bill be dispensed with?

Mr. FORDNEY. Mr. Chairman, I want to ask the gentleman if he will not agree upon some length of time for general debate? There will be about two hours on this side.

Mr. KITCHIN. We will not limit it. Anyway, we will divide the time.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RUBEY. Mr. Chairman, before the gentleman begins will he yield?

Mr. KITCHIN. I will.

Mr. RUBEY. Is it the intention of the gentleman to finish this bill to-night?

Mr. KITCHIN. It is the intention to finish the bill to-night.

Mr. RUBEY. I thought the House ought to be advised of it.

Mr. KITCHIN. Mr. Chairman and gentlemen of the committee, the Ways and Means Committee presents for the consideration of the House a bill to be known as the "victory liberty loan act." It authorizes the Secretary of the Treasury to issue \$7,000,000,000 of short-time notes, maturing in from one to five years. I shall ask the Members to indulge me for about 30 minutes, and I will take up the bill section by section and explain it in detail.

The necessity for further issue of Government obligations is apparent. The estimates of the Treasury Department of the expenditures for this fiscal year is \$19,000,000,000, and, as I stated the other day when I presented the conference report on the revenue bill, in my judgment it will reach \$20,000,000,000; but we will call it \$19,000,000,000. We have already in receipts, and will have after the collection of the taxes, \$14,000,000,000, which consist of \$7,000,000,000 of the fourth liberty loan proceeds, \$1,000,000,000 of war-savings certificates, \$6,000,000,000 that we expect to get from the last revenue bill, which total \$14,000,000,000, leaving \$5,000,000,000 to get from some other source to make out the \$19,000,000,000 necessary. It is true that under the present second liberty loan act as amended the Secretary of the Treasury is authorized to issue \$5,000,000,000 more of bonds at an interest rate of 4½ per cent.

The Treasury Department and your committee are in accord in the view that it would be unwise to offer at this time an issue of long-time bonds at 4½ per cent, as provided in the present bond act. In fact, they could not be sold upon such terms at this time, and it was the thought of the committee and of the Treasury Department, after conferring together, that it would be wiser and better to authorize the issue of short-time notes, as we do in this bill.

We authorize \$7,000,000,000 instead of \$5,000,000,000 that is needed for this fiscal year, for the reason that it is apparent that the taxes for 1920 will fall far short of meeting the expenditures of the fiscal year ending June 30, 1920, and so out of abundance of caution we authorize \$7,000,000,000 instead of \$5,000,000,000. The \$2,000,000,000 in excess will be taken up, in my judgment, for 1920 before the 1920 taxes are collected. We leave in this case the interest rate to be fixed by the Secretary of the Treasury.

In the original draft of the bill submitted to us by the department and the letter of the Secretary of the Treasury we were asked to permit the Secretary to issue long-time bonds—\$10,000,000,000 of bonds and \$10,000,000,000 of Treasury notes—at a rate of interest to be fixed by him and with exemptions from taxation to be fixed by him. The committee was unwilling to permit the Secretary of the Treasury to do this. The committee and the Secretary of the Treasury finally agreed that we would have in this bill no long-time bond authorization, but only these short-time notes. The committee thought it was not unwise or unsafe to permit the Secretary of the Treasury to fix the interest rate on these short-time notes, especially in view of the fact that we have a redemption clause in the bill giving the Government the option to redeem within not less than four months' or one year's notice these short-time notes, so that, if the Secretary of the Treasury—and we do not believe that he will—sells these notes at an excessive rate of interest, then the Government could not be out that excess interest more than one year, because it could give the proper notice and redeem these notes by selling bonds at a lower rate.

While this bill gives large discretion to the Secretary of the Treasury, yet, in view of the circumstances, it was deemed not unwise. It seems that the Treasury Department and all the