

Mr. NEELEY with Mr. WASON.
 Mr. OLIVER of Alabama with Mr. WHEELER.
 Mr. OLIVER of New York with Mr. WOODS of Iowa.
 Mr. OLNEY with Mr. ZIHLMAN.
 Mr. PARK with Mr. BIRCH.
 Mr. PADGETT with Mr. CAMPBELL of Kansas.
 Mr. SCULLY with Mr. CARY.
 Mr. SEARS with Mr. CHANDLER of New York.
 Mr. SIMS with Mr. CLARK of Pennsylvania.
 Mr. STEPHENS of Mississippi with Mr. ESSEN.
 Mr. STEVENSON with Mr. GEORGE W. FAIRCHILD.
 Mr. SULLIVAN with Mr. FRANCIS.
 Mr. TAGUE with Mr. GRAY of New Jersey.
 Mr. VINSON with Mr. HEINTZ.
 Mr. WEBB with Mr. WINSLOW.
 Mr. WELLING with Mr. McCULLOCH.

The result of the vote was announced as above recorded.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

The SPEAKER. The Doorkeeper will open the doors.

EXTENSION OF REMARKS.

By unanimous consent, leave to extend remarks in the RECORD was granted to Mr. FREAR, Mr. TAYLOR of Colorado, Mr. BAER, and Mr. LA FOLLETTE.

Mr. WINGO. Mr. Speaker, I would like to submit a unanimous-consent request. I would like to substitute in the permanent RECORD a more lengthy statement of a decision on a point of order that I made night before last when the sundry civil appropriation bill was under consideration and I happened to be in the chair.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to prepare for and insert in the permanent RECORD a more elaborate opinion on a point of order which he decided while in the chair night before last. Is there objection?

There was no objection.

VALIDATION OF INFORMAL WAR CONTRACTS—CONFERENCE REPORT (NO. 1144).

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

The SPEAKER. The Clerk will report it.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. WALSH. I object.

The SPEAKER. The gentleman from Massachusetts objects. The Clerk will read the report.

The Clerk read the conference report and the accompanying statement, 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 agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"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 purposes 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 the 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 payments 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.

"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 Emer-

gency 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 as 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."

Amend the title so as to read: "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes."

And the Senate agree to the same.

S. H. DENT, Jr.

W. J. FIELDS,

JULIUS KAHN,

Managers on the part of the House.

GEO. E. CHAMBERLAIN,

C. S. THOMAS,

DUNCAN U. FLETCHER,

F. E. WARREN,

P. C. KNOX,

Managers on the part of the Senate.

STATEMENT.

The conferees adopted the report upon this bill made February 11, with the exception of section 5, which provided for the settlement of mining contracts by the Secretary of the Interior. As to section 5, the conferees simply followed the latest instructions of the House authorizing the settlement and liquidation of losses suffered in the production of manganese, chrome, pyrites, and tungsten. The conferees respectfully refer to the report and statement filed February 11, 1919, upon this bill.

S. H. DENT, Jr.,

W. J. FIELDS,

JULIUS KAHN,

Managers on the part of the House.

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

Mr. FIELDS. Mr. Speaker, this report contains the identical language that the House instructed the conferees to agree to. I therefore consider that it is not necessary to discuss it, but the gentleman from Illinois [Mr. CANNON] would like to have two or three minutes. I yield three minutes to the gentleman.

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

Mr. CANNON. Mr. Speaker, I shall vote for this conference report, and that is saying a good deal, under the circumstances. The contracts that were made in fact, but were not formally executed, ought to be cared for. That is the main object of the bill. But they come along and make a different rule as to contracts under the legislation of October 5, 1918, which I did not approve. They were not contracts. They amended it and cut out everything but four minerals. I believe that was wise. The House reversed itself by agreeing to that proposition for one reason, and one only. The gentleman from California [Mr. RAKER] said the contracts that were made in fact but not formally executed, because in the stress of war they could not be, amounted to \$3,000,000,000. That was the statement of the gentleman from California. But as they amended it and confined it to four of the minerals, that was better than to have included everything, because they were "thick as the leaves in Vallombrosa." [Laughter.] I never was there, but they were said to be very thick. People who produced coal, for instance, said, "God God's sake save our sulphur rocks" in the coal they had produced in developed mines on which they had made great fortunes, and so on.

Now, my apprehension is this, and in voting for this matter I want to give notice here and now: God helping me, I will not throw open the door in a future Congress and give that extreme power to the Secretary of the Interior, which means the head of the Bureau of Mines, to hear, to find, to settle—not to send to the courts, because that is cut off, but to settle and use a permanent revolving appropriation to pay. If I live I will be in the next Congress, and if I am in that Congress or any other Congress I shall not vote to throw open the door in that way.

I wanted to say this much. God helping, I hope the next House of Representatives will never listen to sympathetic appeals in cases such as I have referred to. I felt that I ought to say that much. We would not have put in those four minerals had it not been for the fear on both sides of the House that otherwise the situation was in a condition where \$3,000,000,000 of contracts were involved, they having been made under the provisions of the bill, with power to settle. If they did not take three-fourths of the settlement when it was made, they were empowered to go to the court. That was a very different proposition.

We will have to take our chances in the future, but I think I shall not live long enough to see the end of such claims, cropping up either by general legislation or by reports from Committees on Claims. They will be with us. I doubt if one-half of the membership of this House will be here—I am sure I will not be—long enough to see the end of those claims. I am sorry the door was opened, but there you are; and this is all that we could do. I believe that the contracts that made this House reverse itself upon the subject of all the minerals that are mentioned in the act of the 5th of October last caused us, from the standpoint of necessity, to vote the other way. I did not vote the other way because it was quite understood how the four items got in, and they excluded the others. But after all, it leaves to future Congresses, I fear, a great amount of trouble.

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

Mr. MANN. I should like to have five minutes.

Mr. FIELDS. I yield five minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I think one provision in this conference report, which I have not heard referred to, is a very dangerous thing. We passed the bill in the House authorizing the Secretary of War to settle certain contracts which were not legally entered into, as far as their form was concerned, and there was some question as to whether we ought to do that or not. We decided to let the executive branch of the Government, which had carried on all of these negotiations, complete the matter and determine what sum was due to the men who had furnished supplies or entered into any arrangement with or for the Government. As I recall, our bill provided that we did not confer any jurisdiction to bring a suit against the Government. Now the conference report, after authorizing the War Department to settle these claims, inserts a provision under which litigation will continue for many, many years.

Section 2 of the conference report gives to the Court of Claims jurisdiction to determine any of these claims and award fair and just compensation, and so forth, in case the Secretary of War shall fail or refuse to offer satisfactory adjustment, payment, or compensation, as provided. Of course, that means, first, that if the amount which the Secretary of War, on his facts, and after he has disclosed to the claimant all the information that he has, is not satisfactory to the claimant, the claimant can go into the Court of Claims. Second, if there be no just claim, in the opinion of the Secretary of War, the claimant can bring a suit in the Court of Claims 1 year or, so far as this bill is concerned, 25 years from now. There is no limitation even on the length of time within which the suit must be commenced. It confers absolute and unlimited jurisdiction upon the Court of Claims. Now, suppose a case where a man has no legal claim against the Government. We propose to authorize the Secretary of War to settle the matter upon a fair and reasonable basis under the moral conditions and the papers which have been drawn. But this conference report gives to all of these illegal contracts legality. We might as well have passed a short bill stating that so far as contracts were entered into by the War Department during the war all restrictions in the statutes as to form were repealed. That goes too far. We ought not to do it. We ought to make compensation to people who through haste and patriotism have obeyed the requests and demands of the War Department, but we ought not to permit everybody in the country who wishes to do so to commence a suit in the Court of Claims against the United States on what is now an illegal contract, but made legal by this conference report. [Applause.]

Mr. FIELDS. The gentleman from California [Mr. KAHN] desires five minutes in which to reply, which puts me in an embarrassing position with reference to yielding time.

Mr. KAHN. I do not wish the time if the House is ready to vote.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

Mr. FIELDS. I move the adoption of the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. FIELDS, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5517. An act to amend the war-risk insurance act; and

S. 5443. An act for the relief of the owners of the schooner *Horatio G. Foss*.

The message also announced that the Senate had passed with amendments the bill (H. R. 14516) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1920, had requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. OVERMAN, Mr. SHAFROTH, and Mr. CURTIS as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13274) to provide relief where formal contracts have not been made in the manner required by law, had agreed to the conference asked for by the House, and had appointed Mr. CHAMBERLAIN, Mr. FLETCHER, Mr. THOMAS, Mr. WARREN, and Mr. KNOX as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the

bill (H. R. 13462) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5443. An act for the relief of the owners of the schooner *Horatio G. Foss*; to the Committee on Claims.

S. 5517. An act to amend the war-risk insurance act; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 14078. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes.

H. R. 15834. An act to extend the time for the construction by Kratká Township of a bridge across the Red Lake River, in Pennington County, Minn.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on February 26, 1919, approved and signed bills and a joint resolution of the following titles:

H. R. 4246. An act to increase the salary of the United States district attorney for the district of Connecticut;

S. 68. An act to amend section 269 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary";

S. 3079. An act to fix the salaries of the clerks of the United States district courts and to provide for their office expenses, and for other purposes;

S. 5342. An act providing for the appointment of an additional district judge for the northern judicial district of the State of Texas; and

S. J. Res. 208. Joint resolution providing that one term of the United States District Court for the Eastern District of Oklahoma shall be held annually at Hugo, Okla.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 15979) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1920, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 13034) to validate and confirm certain erroneously allowed entries in the State of Minnesota.

DEFICIENCY APPROPRIATIONS.

Mr. SHERLEY. 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 H. R. 16187, the third deficiency bill.

Mr. SIMS. Mr. Speaker, I was on my feet to ask recognition to call up the conference report upon the water-power bill when the gentleman from Kentucky made his motion to go into the Committee of the Whole, but inasmuch as the Speaker has seen fit, and no doubt properly so, to recognize the chairman of the Committee on Appropriations for the purpose of considering the general deficiency bill, I give notice now that I will call up the conference report on the water-power bill just as soon as the deficiency bill has been considered and disposed of. In order to secure the passage of the water-power bill at this session of this Congress it is absolutely necessary to have immediate consideration of the conference report.

The SPEAKER. The gentleman from Tennessee gives notice that he will call up the conference report as soon as the deficiency appropriation bill is passed.

Mr. SHERLEY. Pending my motion I ask unanimous consent that general debate on the bill be limited to 30 minutes, confined to the bill, and that the gentleman from Illinois [Mr. CANNON] control 15 minutes and I control the other 15 minutes.

Mr. MANN. I wish the gentleman would not ask to have the general debate confined to the bill.

Mr. SHERLEY. I will modify my request, and ask unanimous consent that the general debate be limited to 30 minutes, 15 minutes to be controlled by myself and 15 minutes by the gentleman from Illinois.