1919.

FIXING GUARANTEED PRICES FOR WHEAT.

Mr. CHAMBERLAIN. To the validation of war contracts. Mr. GORE. Does the Senator think it will require very long discussion?

Mr. CHAMBERLAIN. I do not think so.

Mr. GORE. I ask that the unfinished business be temporarily laid aside, although I am not sure whether it is the unfinished business, for that matter.

Mr. CHAMBERLAIN. The Senator does not need to do that.

Mr. GORE. Very well.

VICE PRESIDENT. The conference report presented by the Senator from Oregon will not displace the unfinished business, unless the Senate adjourns before its consideration is concluded.

Mr. GORE. I withdraw the request; I did not understand.

THE VICE PRESIDENT. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and the Senate proceeded to consider 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. 13274) to provide relief where formal contracts have not 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 agreements have been performed in whole or in part, or expenditures have been made or obligations incurred upon the faith of such agreement by any person, firm, or corporation.

The motion to adjourn to the next session was agreed to, to which the Senate adjourned.
that any such testimony or evidence may tend to criminate the person giving the same—shall not thereby be held to be testifying, but such evidence or testimony shall not be used against such person in the trial of any criminal proceeding.

And provided further, That the Court of Claims in hereby given jurisdiction on 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 the individual, firm, company or corporation referred to is willing to accept the adjustment, payment or compensation offered by the Secretary of War as herebefore provided, or in the event that the Secretary of War shall fail of the said Secretary shall hereupon offer a satisfactory adjustment, payment or compensation as provided for in said section.

Hereby provided, 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 payment of the claims herein described and the said expenses of administration, 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 the settlement of such claims.

"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 subcontracted to any other person, firm, or corporation who has in good faith made expenditures, incurred obligations, furnished services, 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 hereunder, before the 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 event 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 provisions of this act of October 5, 1918, and 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 unpaid net value of any claimant's interest in hand belonging to the claimant, and also the salvage or usable value of any machinery or other apparatus which may be claimed was purchased to equip said mine for the purpose of complying with the request of the Secretary of War for continued production of such ores, metals, or minerals.

And the Senate agree to the same.

And the Senate agree to the same.
Mr. President, the gist of my contention is that matter has been left out which was agreed upon by both Houses, and, under the terms of the rule, I refer to the provision that the names of the contractors and the amounts of such partial or final settlements to be filed with the House for the information of Congress. There it ends, so far as the terms are identical in the House and Senate bills. After that, in the House bill it is to be printed in the CONGRESSIONAL RECORD or in the Official Bulletin as a public document within 10 days after confirmation; in the Senate bill it was "any agency of the Government." and so forth. I have not heard whether or not that language is retained in the conference report.

Mr. CHAMBERLAIN. I will call the Senator's attention to the language of the first section:

That the Secretary of War be 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 to meet the present emergency and prior to November 30, 1918, by any officer or employee of the War Department, or by any other agency under the authority of the President. I am inclined to think that it covers it, too, and the mode of publication is identical.

Mr. JONES of Washington. I think this Spruce Production Corporation is an agency of the Government acting under the authority of the President, and the contracts that these people made with the Spruce Production Corporation were made by any officer or employee under the authority of the Secretary of War, but where they were made by anyone acting under the authority of the President. I thought that was broad enough to cover it. It may not be. I am perfectly frank to say so.

Mr. KNOX. The point that is made by the Senator from Oregon covers the situation completely.

Mr. CHAMBERLAIN. The Senate will remember that the language of the Senate bill was "any agency of the Government," and so forth. I have not heard whether or not that language is retained in the conference report.

Mr. CHAMBERLAIN. The Vice President. That the Senate agree to the conference report and that the Government corporation is an agency of the Government acting under the authority of the President. I thought that was broad enough to cover it. I may not be. I am perfectly frank to say so.

Mr. KNOX. The President. The point that is made by the Senator from Oregon covers the situation completely.

Mr. JONES of Washington. I think this Spruce Production Corporation was organized for the sole purpose of aiding the War Department and the Government in securing timber and materials for air-plane work, and the contracts that these people made with the Spruce Production Corporation were, in fact, made for the Government, for the War Department.

Mr. CHAMBERLAIN. If the Senator will permit me just a moment. If the Senator will compare this section with the one in the House bill, he will find that the contracts were made by the Secretary of War and his agents. We extended it further than contracts, express or implied, made by the Secretary of War and his agents. We extended it by the addition of giving the House right to contracts made by any other agency under the authority of the President for the purpose of meeting the situation which the Senator suggests, not only where these contracts were made by any other agency under the authority of the President, but where they were made by anyone acting under the authority of the President. I thought that was broad enough to cover it. It may not be. I am perfectly frank to say so.

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Mr. CHAMBERLAIN. I think it is broad enough.

Mr. KNOX. The Spruce Production Corporation was acting solely directly under the Secretary of War than under the President. I think it was headed by some
of the War Department officers. At any rate, those people who furnished materials and made their contracts with them with officers of the Army, and they seemed to think that they were dealing directly with the War Department. I think this corporation was more nearly an agent of the War Department than of the President; but it certainly was an agent of one or the other, it seems to me.

Mr. FLETCHER. Mr. President, were they getting out materials for aircraft production?

Mr. JONES of Washington. Yes, for the manufacture of airplanes.

Mr. FLETCHER. I should think they were operating under the Signal Corps branch of the Army, and I don't think there was any action under the orders of the Secretary of War or under orders of the President. The President had authority there, in connection, I think, with the material for production of airplanes.

Mr. JONES of Washington. They made their contracts with the Spruce Production Corporation. The Spruce Production Corporation, I have no doubt, was acting under orders of the Signal Corps, and so it seems to me that it is covered by this language, but I wanted to have the Senate show the opinion of the Senators in charge of the matter.

Mr. CURTIS. Mr. President, I do not rise to discuss the amendment, but to protest against the ruling of the Chair, which is the sole occupant of the chair. I will say, as the Senator who proposed the amendment to the rules, that it was the intention of the amendment to prohibit introgression from doing what could not be done.

Mr. SMOOT. That is my opinion. The PRESIDING OFFICER. The question is upon agreeing to the conference report.

Mr. SMOOT. That is my opinion.

Mr. JONES of Washington. Yes; for the manufacture of airplanes.

Mr. FLETCHER. I have inquired of the officers of the Signal Corps branch of the Army, and they seemed to think that they were operating under orders of the Secretary of War or under orders of the President. The President had authority there, in connection, I think, with the material for production of airplanes. I understand that the Senate agrees in the amendment, but what of the amendment?

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