

Federal Register Act, 1935 - Legislative History
Public Law 74-220, 49 Stat. 500-503 (H.R. 6323)
July 26, 1935

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Pub. L. No. 74-220, ch. 417, July 26, 1935, 49 Stat. 500-503 (pp. 2-5).

H. Rep. No. 74-280 to H.R. 6323, March 4, 1935 (pp. 6-9).

H. Rep. No. 74-1502 to H.R. 6323, July 11, 1935 (conference report) (pp. 10-12).

House debated and passed H.R. 6323, April 1, 1935 (79 Cong. Rec. 4785-91) (pp. 13-19).

Senate considered H.R. 6323, May 20, 1935 (79 Cong. rec. 7804) (p. 20).

Senate considered H.R. 6323, May 27, 1935 (79 Cong. Rec. 8295) (p. 21).

Senate amended and passed H.R. 6323, June 10, 1935 (79 Cong. Rec. 8963) (p. 22).

House disagreed to Senate amdts & requested a conference, June 12, 1935 (79 Cong. Rec. 9193).

Senate agreed to conference with the House on H.R. 6323, June 14, 1935 (79 Cong. Rec. 9261).

Senate agreed to the conference report, July 11, 1935 (79 Cong. Rec. 10998) (p. 25).

Conf. report printed in Record & agreed to by House, July 22, 1935 (79 Cong. Rec. 11570-71).

President signed H.R. 6323 into law, Pub. L. No. 74-220, July 26, 1935 (p. 2-5).

Note: Citations to the Congressional Record are to the bound edition.

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the Board at the grades and salaries specified in their respective examinations: *Provided*, That this section shall not be construed to impair any obligation incurred by the old Board.

Proviso.
Obligations of old Board.
Rules and regulations.
Separability clause.
Duration of Act.

Sec. 7. The Board with the approval of the Committee is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Sec. 8. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Sec. 9. This Act shall cease to be in effect and the agencies established hereunder shall cease to exist at the expiration of five years after the date of enactment of this Act.

Approved, July 25, 1935.

[CHAPTER 417.]

AN ACT

July 26, 1935.
[H. R. 6323.]
[Public, No. 220.]

To provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Archivist of the United States, acting through a division established by him in the National Archives Establishment, hereinafter referred to as the "Division", is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under section 5. There shall be at the head of the Division a director, appointed by the President, who shall act under the general direction of the Archivist of the United States in carrying out the provisions of this Act and the regulations prescribed hereunder, who shall receive a salary, to be fixed by the President, not to exceed \$5,000 a year.

Federal Register Act.
Proclamations, Executive orders, etc., custody and publication.
Division to be established in the National Archives Establishment.
Director; appointment; salary.

Sec. 2. The original and two duplicate originals or certified copies of any document required or authorized to be published under section 5 shall be filed with the Division, which shall be open for that purpose during all hours of the working days when the Archives Building shall be open for official business. The Director of the Division shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing thereof: *Provided*, That when the original is issued, prescribed, or promulgated outside of the District of Columbia and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon such filing, at least one copy shall be immediately available for public inspection in the office of the Director of the Division. The original shall be retained in the archives of the National Archives Establishment and shall be available for inspection under regulations to be prescribed by the Archivist. The Division shall transmit immediately to the Government Printing Office for printing, as provided in this Act, one duplicate original or certified copy of each document required or authorized to be published under section 5. Every Federal agency shall cause to be transmitted for filing as herein required the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency.

Original documents and copies; filing.
Post, p. 1110.
Notation thereon.
Proviso.
When issued outside of District of Columbia.
Availability of copy for public inspection.
Of original document.
Copy for printing; transmission.

Sec. 3. All documents required or authorized to be published under section 5 shall be printed and distributed forthwith by the Government Printing Office in a serial publication designated the "Federal

Federal Register; printing and distribution.

Register." It shall be the duty of the Public Printer to make available the facilities of the Government Printing Office for the prompt printing and distribution of the Federal Register in the manner and at the times required in accordance with the provisions of this Act and the regulations prescribed hereunder. The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the Division up to such time of the day immediately preceding the day of distribution as shall be fixed by regulations hereunder. There shall be printed with each document a copy of the notation, required to be made under section 2, of the day and hour when, upon filing with the Division, such document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at such time in the morning of the day of distribution as shall be fixed by such regulations prescribed hereunder. The prices to be charged for the Federal Register may be fixed by the administrative committee established by section 6 without reference to the restrictions placed upon and fixed for the sale of Government publications by section 1 of the Act of May 11, 1922, and section 307 of the Act of June 30, 1932 (U. S. C., title 44, secs. 72 and 72a), and any amendments thereto.

SEC. 4. As used in this Act, unless the context otherwise requires, the term "document" means any Presidential proclamation or Executive order and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency; the terms "Federal agency" or "agency" mean the President of the United States, or any executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government; and the term "person" means any individual, partnership, association, or corporation.

SEC. 5. (a) There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by Act of the Congress: *Provided*, That for the purposes of this Act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.

(b) In addition to the foregoing there shall also be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register.

SEC. 6. There is established a permanent Administrative Committee of three members consisting of the Archivist or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Division shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this Act. Such regulations shall provide, among other things: (a) The manner of certification of copies required to be certified under section 2, which certification may be permitted to be based upon con-

Contents; indexing.

Copy of notation.

Distribution of.

Charges for.

Vol. 42, p. 541; Vol. 47, p. 409.

U. S. C., p. 1033.

Definitions.

"Document."

"Federal agency"; "agency."

"Person."

Documents to be published.

Proviso.
When penalty provisions prescribed.

Authorization to publish additional documents.

News items; comments.

Administrative Committee; composition.

Secretary.
Regulations to be prescribed.

firmed communications from outside of the District of Columbia; (b) the documents which shall be authorized pursuant to section 5 (b) to be published in the Federal Register; (c) the manner and form in which the Federal Register shall be printed, reprinted, compiled, indexed, bound, and distributed; (d) the number of copies of the Federal Register, which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees of the United States, or any Federal agency for their official use, and the number which shall be available for distribution to the public; and (e) the prices to be charged for individual copies of, and subscriptions to, the Federal Register and reprints and bound volumes thereof.

Validity of documents

Filing and availability requirement.

Effect of publication.

Contents of Federal Register; to be judicially noticed; citation.

Notice of hearing under an Act of Congress.

Payments for Federal Register; deposit. Cost of printing, etc.

Appropriation available.

Post, pp. 1110, 1230.

Additional sums.

Vol. 48, p. 1122.

SEC. 7. No document required under section 5 (a) to be published in the Federal Register shall be valid as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the Division and a copy made available for public inspection as provided in section 2; and, unless otherwise specifically provided by statute, such filing of any document, required or authorized to be published under section 5, shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby. The publication in the Federal Register of any document shall create a rebuttable presumption (a) that it was duly issued, prescribed, or promulgated; (b) that it was duly filed with the Division and made available for public inspection at the day and hour stated in the printed notation; (c) that the copy contained in the Federal Register is a true copy of the original; and, (d) that all requirements of this Act and the regulations prescribed hereunder relative to such document have been complied with. The contents of the Federal Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number.

SEC. 8. Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by or under an Act of the Congress, or may otherwise properly be given, the notice shall be deemed to have been duly given to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law, if said notice shall be published in the Federal Register at such time that the period between the publication and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be (a) not less than the time specifically prescribed for the publication of the notice by the appropriate Act of the Congress; or (b) not less than fifteen days when no time for publication is specifically prescribed by the Act, without prejudice, however, to the effectiveness of any notice of less than fifteen days where such shorter period is reasonable.

SEC. 9. Every payment made for the Federal Register shall be covered into the Treasury as a miscellaneous receipt. The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and any other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this Act shall be borne by the appropriations to the Government Printing Office and such appropriations are hereby made available, and are authorized to be increased by such additional sums as are necessary for such purposes, such increases to be based upon estimates submitted by the Public Printer. The purposes for which appropriations are available and are authorized to be made under section 10 of the Act entitled "An Act to establish a National Archives

of the United States Government, and for other purposes" (48 Stat. 1122) are enlarged to cover the additional duties placed upon the National Archives Establishment by the provisions of this Act. Copies of the Federal Register mailed by the Government shall be entitled to the free use of the United States mails in the same manner as the official mail of the executive departments of the Government. The cost of mailing the Federal Register to officers and employees of Federal agencies in foreign countries shall be borne by the respective agencies.

Franking privilege.

Cost of mailing foreign.

SEC. 10. The provisions of section 2 shall become effective sixty days after the date of approval of this Act and the publication of the Federal Register shall begin within three business days thereafter: *Provided*, That the appropriations involved have been increased as required by section 9 of this Act. The limitations upon the effectiveness of documents required, under section 5 (a), to be published in the Federal Register shall not be operative as to any document issued, prescribed, or promulgated prior to the date when such document is first required by this or subsequent Act of the Congress or by Executive order to be published in the Federal Register.

Effective date of section 2; commencement of publication of Federal Register.

Proviso.
Condition.

Validity of prior issued documents.

SEC. 11. Within six months after the approval of this Act each agency shall prepare and file with the committee a complete compilation of all documents which have been issued or promulgated prior to the date documents are required or authorized by this Act to be published in the Federal Register and which are still in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities. The committee shall within sixty days thereafter report with respect thereto to the President, who shall determine which of such documents have general applicability and legal effect, and shall authorize the publication thereof in a special or supplemental edition or issue of the Federal Register. Such special or supplemental editions or issues shall be distributed in the same manner as regular editions or issues, and shall be included in the bound volumes of the Federal Register as supplements thereto.

Compilation of documents to be filed by Federal agencies.

Report of Committee.

Publication of supplemental edition of Federal Register.

SEC. 12. Nothing in this Act shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

Documents excluded from provisions of Act.

SEC. 13. All Acts or parts of Acts in conflict with this Act are hereby repealed insofar as they conflict herewith.

Repeal of inconsistent Acts.

SEC. 14. This Act may be cited as the "Federal Register Act."

Short title.

Approved, July 26, 1935.

[CHAPTER 418.]

AN ACT

To authorize the Secretary of War to sell to the Eagle Pass and Piedras Negras Bridge Company a portion of the Eagle Pass Military Reservation, Texas, and for other purposes.

July 26, 1935.
[S. 2326.]

[Public, No. 221.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to sell and convey to the Eagle Pass and Piedras Negras Bridge Company, its successors and assigns, on terms and conditions to be prescribed by the Secretary of War the right, title and interest of the United States in that portion of the Eagle Pass Military Reservation, Texas, occupied by said company on which its improvements are located.

Eagle Pass Military Reservation, Tex.
Sale of designated portion, authorized.

PUBLICATION OF GOVERNMENTAL RULES AND
REGULATIONS

MARCH 4, 1935.—Committed to the Committee of the Whole House on the state
of the Union and ordered to be printed

Mr. CELLER, from the Committee on the Judiciary, submitted the
following

REPORT

[To accompany H. R. 6323]

The Committee on the Judiciary, to whom was referred the bill (H. R. 6323) relating to the codification, printing, distribution, and custody of Federal proclamations, orders, regulations, notices, and other documents, report the same favorably with the recommendation that it do pass.

GENERAL STATEMENT

In the first 15 months after March 4, 1933, the President alone issued 674 Executive orders, aggregating approximately 1,400 pages. This was a greater volume than that of the preceding 4 years, and nearly six times as great as that for the 39 years from 1862 through 1900. Moreover, in the first year of the National Recovery Administration, 2,998 administrative orders were issued. In addition to these, the N. R. A. has adopted numerous regulations and sets of regulations which can only be found after a search through some 5,991 press releases issued during this period. It is estimated that the N. R. A. alone issued in all some 10,000 pages of "law"—a greater volume than the total amount of statute law contained in the United States Code.

Aside from the tremendous number of rules and regulations issued by the National Recovery Administration and the great activity by the President in the promulgation of Executive orders, there are the many other Departments and officials adding to the avalanche of Executive orders, decrees, regulations, notices, and codes. The Agricultural Adjustment Administration has issued many series of regulations, some of them most complicated by amendments and supplements. There are customs regulations, internal-revenue regulations, immigration rules and regulations, and postal rules and

regulations, comprising several volumes, frequently amended. The Veterans' Bureau has issued two large volumes of regulations; much of the data are already out of date. There is an elaborate series of regulations under the Pure Food and Drugs Act. Pretty soon the new boards and new commissions, like the Federal Communications Commission and the Securities and Exchange Commission, will issue their myriad of executive legislation. We have mentioned only a few of the bureaus. There are literally dozens of agencies with powers to publish rules and regulations. Ofttimes, these rules and regulations prescribe penalties. It is difficult at times to find out what they are. Yet the property and persons of the citizens may be at stake.

The enactments of Congress are easily available, but often the regulations issued under them are more important than the basic acts. But these administrative rules and pronouncements oftentimes cannot be found. As to their publication and distribution, there is utter chaos. These rules and regulations frequently appear in separate paper pamphlets, some printed on single sheets of paper and easily lost. Any attempt to compile a complete private collection of these rules and regulations would be wellnigh impossible. No law library, public or private, contains them all. Officials of the department issuing them frequently do not know all of their own regulations. Recently, as has been pointed out by Prof. Erwin N. Griswold, of the Harvard Law School, in an article in the December 1934 issue of the Harvard Law Review, entitled "Government in Ignorance of the Law—A Plea for Better Publication of Executive Legislation", an indictment was brought and an appeal was taken by the Government to the Supreme Court before it was discovered that the regulation on which the proceeding was based did not exist. (See *United States v. Smith*, no. 3, October term, 1934, appeal dismissed on motion of the appellant, Oct. 1, 1934. See New York Times, Oct. 2, 1934, at 6.)

A committee of the American Bar Association has this to say on the subject:

The practice of filing Executive orders with the Department of State is not uniformly or regularly followed, and the totals are really greater than above indicated. Some orders are retained or buried in the files of the Government departments, some are confidential and are not published, and the practice as to printing and publication of orders is not uniform. Some orders are made known and available rather promptly after their approval; the publication of others may be delayed a month or more, with consequent confusion in numbering. The comparatively large number of recent orders which incorporate provisions purporting to impose criminal penalties by way of fine and imprisonment for violation is without numerical precedent in the history of the Government.

Such chaos and disorder concerning statutory rules and regulations demands an immediate solution. H. R. 6323 provides such solution. There shall be an official publication called the "Federal Register", in which all rules and regulations shall systematically and uniformly be published, and such Federal Register shall be readily accessible to all parties interested. There shall be available for public use indices and tabulations of such rules and regulations.

The same situation existed in England as far back as 1890. They found a solution in the passage of the Rules Publication Act in 1893, providing for the setting up of statutory rules and orders of a public and general nature, in what has become known as the "London Gazette", wherein is found a systematic publication of all executive

orders, decrees, rules, and regulations. Canada, India, New Zealand, and South Africa, and most Latin countries have their official gazettes. It is high time that we had ours.

H. R. 6323 provides for the setting up of the machinery and the staff to provide, first, for the publication and dissemination of all future rules and regulations and orders of the departments in the so-called "Federal Register", which is published daily, and secondly, for the codification, classification, and indexing of all existing rules, orders, and regulations of the executive departments. In the formulation of this remedy great credit must be given to Prof. Irwin N. Griswold, professor of law, Harvard Law School, to Judge N. A. Townsend, special assistant to the Attorney General, and to Hon. Angus D. MacLean, Assistant Solicitor General, for their helpful suggestions in the preparation and drafting of the bill.

SYNOPSIS OF THE BILL BY SECTIONS

Section 1 provides that the Archivist of the United States shall be charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under the provisions of the bill. This section further provides that the provisions of the bill shall be carried out under the supervision of a director, appointed by the President, who in turn shall act under the general direction of the Archivist of the United States.

Section 2 provides for the filing with the division in charge, of the original and two duplicate originals or certified copies of any documents required or authorized to be published under section 4 of the bill. Further provision under section 2 is made that the original be retained in the archives of the National Archives Establishment and that one duplicate, original, or certified copy thereof be immediately transmitted to the Government Printing Office for printing.

Section 3 provides for the printing and distribution by the Government Printing Office of a serial publication designated the "Federal Register", to be distributed daily except Sundays, Mondays, and days following legal holidays. It is further provided in section 3 that the contents of the daily issue shall comprise all documents filed with the Division up to such time of the day immediately preceding the day of distribution as shall be fixed by the regulations. The method of distribution of, and the prices to be charged for, the Federal Register are also provided for in section 3.

Section 4 sets forth the documents required or authorized to be filed in the Division and to be published in the Federal Register.

Section 5 (a) makes specification as to which Presidential proclamations and Executive orders shall be published in the Federal Register, as well as to which documents or classes of documents are to be published.

Section 5 (b) further provides for the publication in the Register of certain other documents or classes of documents.

Section 6 provides for the establishment of a permanent administrative committee of three members, which committee, consisting of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer, shall prescribe, with the approval of the

President, regulations for carrying out the provisions of the bill. The provisions of such regulations are also set forth in section 6.

Section 7 provides that the Federal Register shall be judicially noticed.

Section 8 provides that publication in the Federal Register shall be deemed to have been duly given to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law.

Section 9 provides that the purposes for which appropriations are available and are authorized to be made under section 10 of the act entitled "An act to establish a National Archives of the United States Government, and for other purposes" (48 Stat. 1122) are enlarged to cover the additional duties placed upon the National Archives Establishment by the provisions of this bill.

Section 10 provides that the provisions of section 2 of this bill shall become effective 60 days after the date of approval of this bill and the publication of the Federal Register shall begin within 3 business days thereafter.

Section 11 makes provision for and sets forth rules governing the publication of a special or supplemental edition or issue of the Federal Register.

Section 12 excludes treaties, conventions, protocols, and other international agreements or proclamations thereof by the President from the provisions of this bill.

Section 13 provides that all acts or parts of acts in conflict with this act are repealed insofar as they conflict therewith.

Section 14 provides that this act may be cited as the "Federal Register Act."

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PROVIDE FOR THE CUSTODY OF FEDERAL PROCLAMATIONS,
ORDERS, REGULATIONS, NOTICES, AND OTHER DOCUMENTS,
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Mr. SUMNERS, from the committee of conference, submitted the
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CONFERENCE REPORT

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[To accompany H. R. 6323]

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The committee of conference on the disagreeing votes of the two
Houses on the amendments of the Senate to the bill (H. R. 6323) to
provide for the custody of Federal proclamations, orders, regulations,
notices, and other documents, and for the prompt and uniform printing
and distribution thereof, having met, after full and free conference,
have agreed to recommend and do recommend to their respective
Houses as follows:

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That the House recede from its disagreement to the amendments of
the Senate numbered 1, 2, 3, 4, and 5, and agree to the same.

HATTON W. SUMNERS,
EMANUEL CELLER,
RANDOLPH PERKINS,
Managers on the part of the House.

ALBEN W. BARKLEY,
KENNETH MCKELLAR,
PETER NORBECK,
Managers on the part of the Senate.

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STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6323) to provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This amendment is to section 2, and strikes out "at all hours for that purpose" after the word "open" and inserts "for that purpose during all hours of the working days when the Archives Building shall be open for official business. The effect of the amendment is to change the requirement that the division should be open at all hours to receive documents for filing to the requirement that the division should be open for that purpose during the entire time when the Archives Building is open for official business.

Amendment No. 2: This amendment strikes out "by the Archivist" after the word "required" in section 3. The effect of this amendment is to provide that it is the duty of the Public Printer to make available the facilities of the Government Printing Office in the manner and at the times required in accordance with the provisions of the act rather than in the manner and at the times required by the Archivist in accordance with the provisions of the act.

Amendment no. 3: This amendment is in section 7, and after the words "shall be" the word "effective" is replaced by the word "valid." This change was made to avoid the possibility of any ambiguity. Documents which are valid only when filed as required in the act may relate back and be effective as from a date prior to the date of filing.

Amendment no. 4: This amendment is in section 9, and strikes out "by the general appropriation to the Government Printing Office and such appropriation is hereby made available, and is authorized to be increased by an amount equal to the amount so covered into the Treasury and such additional sums as are necessary, for such purposes", and inserts in lieu thereof, "by the appropriations to the Government Printing Office and such appropriations are hereby made available, and are authorized to be increased by such additional sums as are necessary for such purposes, such increases to be based upon estimates submitted by the Public Printer." The effect of this amendment is to make the appropriations available for the purposes of the act accord better with the existing accounting system of the Government Printing Office.

Amendment no. 5: This amendment is in section 10 and adds after the word "thereafter" the following proviso: "Provided, That the appropriations involved have been increased as required by section 9 of this act." The effect of this amendment is to modify the time

when the provisions of section 2 of the act should become effective so as not to require publication before the necessary appropriations are available.

To all of these amendments, the House recedes.

HATTON W. SUMNERS,
EMANUEL CELLER,
RANDOLPH PERKINS,
Managers on the part of the House.



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SEC. 3. The Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, shall prescribe such rules and regulations as may be necessary for the enforcement of this act.

With the following committee amendment:

On page 1, line 6, after the word "shall", insert the words "as herein amended."

And on page 2, line 1, after the word "jurisdiction", insert the following:

"Provided, That for the purposes of this act clause (1) of subdivision (a) of section 1 of the aforesaid act of May 25, 1932, is amended by striking out the words 'all such period' and in lieu thereof inserting the words 'the 5 years immediately preceding the filing of his petition.'"

The committee amendments were agreed to.

Mr. JENKINS of Ohio. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. JENKINS of Ohio: On page 2, line 21, after the word "act", strike out the period, insert a semicolon, and add the following: "and that he was and had been a bona fide lawfully admitted resident in the United States for 2 years before the passage of this act."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

CONSENT CALENDAR

LOSS OF UNITED STATES CITIZENSHIP

The Clerk called the next bill, H. R. 5799, to declare that a citizen of the United States who votes in a political election in a foreign state loses his citizenship.

Mr. WITHROW, Mr. JENKINS of Ohio, Mr. DIRKSEN, and Mr. WOLCOTT objected.

PACIFIC EXPOSITION OF 1938 AT LOS ANGELES

The Clerk called the next joint resolution, House Joint Resolution 164, authorizing the President to invite foreign countries to participate in the Pacific Exposition of 1938 at Los Angeles, Calif.

Mr. TABER. Mr. Speaker, I object.

GROVER CLEVELAND

The Clerk called the next joint resolution, House Joint Resolution 147, authorizing the erection of a monument to Grover Cleveland in Washington, D. C.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that this bill may be passed over until the Chairman of the Library Committee, the gentleman from Illinois [Mr. KELLER], is present, to be returned to upon his return. I do this at the request of the Chairman of the Library Committee.

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

There was no objection.

REPATRIATION OF NATIVE-BORN WOMEN

The Clerk called the next bill, H. R. 4354, to repatriate native-born women who have heretofore lost their citizenship by marriage to an alien, and for other purposes.

Mr. GEARHART. Mr. Speaker, I object.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman withhold his objection a moment?

Mr. BACON. Mr. Speaker, I demand the regular order.

The SPEAKER. Objection is heard.

CUSTODY OF FEDERAL PROCLAMATIONS, ORDERS, REGULATIONS, ETC.

The Clerk called the next bill, H. R. 6323, to provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof.

Mr. TRUAX. Mr. Speaker, reserving the right to object, I discussed with the author of this measure, the gentleman from New York [Mr. CELLER], an amendment to this bill, and the amendment is acceptable to the gentleman from New York.

I would propose to strike out in line 9, on page 1, the words "there shall be at the head of the" and then strike out all of lines 1, 2, 3, 4, and 5 on page 2.

I am informed that this work can be well handled by the present Assistant Director of Archives and will require no additional appropriation or no authorization by the President with respect to the appointment of a new director to handle the work.

Mr. CELLER. I thought we had agreed only that the salary of \$6,000 would be stricken out. I agreed, however, most reluctantly and, indeed, not from choice, but simply to get the bill considered and not to have objections voiced against the bill. In view of the importance of the work to be done under the bill, I do hope the gentleman will not press his objection to the appointment of a director of division to handle this work. A tremendous task will be thrust upon such a gentleman. This position will require a great deal of skill and knowledge of law and codification. I understood the gentleman's main objection was to the salary that would be paid. The work probably could be conferred upon an assistant in the Archives Bureau, who might already have been appointed, and this would be among his tasks and duties, but to strike out the whole provision would destroy the symmetry of the bill, because in other places we mention a Director of Division. I do hope the gentleman will not press the striking out of all the words he has indicated.

Mr. TRUAX. I would call the gentleman's attention to the fact that in the section remaining in the bill a new appointee could be appointed and receive a salary of, say, \$10,000 a year. There is absolutely no protection there; and I would also remind the gentleman that 1 year ago, when we passed a bill which, as I recall, was on the Consent Calendar, authorizing the appointment of a Director of Archives, at a salary of \$10,000 per year, I made the assertion that it would seem fair if we could select some one of the 70,000 employees already on the pay roll in Washington without importing a new man to handle this work.

Mr. CELLER. I am in thorough sympathy with the gentleman's endeavor to save money for the Government, but, as I have stated, in view of the fact that in other parts of the bill we mention a Director of Division, for example, at page 5, line 21, where the words "Director of the Division" are used, the whole fabric of the bill is sort of built around a Director of Division together with an appointee of the Attorney General and an appointee of the Government Printer. Strike out all the gentleman wants and you do much to destroy the bill.

Mr. TRUAX. Would the gentleman agree to an amendment stating "no other salary than those already provided for"?

Mr. CELLER. In view of the importance of the bill I would be in the position of being compelled to take the half loaf if I could not get the full loaf and I would be agreeable to that request, although again I yield most reluctantly.

Mr. WOODRUM. Mr. Speaker, I am very much interested in the discussion and particularly interested in the bill. I would like to call the attention of the gentleman from Ohio to the fact that this bill sets up an entirely distinct and separate feature in the Archives establishment, different from anything contemplated in the original Archives Act. It seems to me if we are going to get any benefit out of this measure, and we ought to get great benefit out of it, there should be some person specially selected whose duties and responsibilities would be the carrying out of the provisions of this bill alone, in no way connected with the preservation of the national archives.

Mr. TRUAX. I understand there is already employed a gentleman who is qualified to handle this particular work.

Mr. WOODRUM. If he is in the Archives establishment now he is receiving other pay, and I may say that if we are to get the full benefits of this bill there ought to be someone assigned to do this particular work. I know it has been the gentleman's experience as a legislator that if you want a good job done you have got to get a good man to do it and it cannot be done for nothing.

Mr. TRUAX. I agree with the gentleman about that.

Mr. WOODRUM. There are no funds in the appropriation for the Archives establishment for this particular work.

Some slight portion of it undoubtedly will be duplication and can be carried on by the regular force, but this bill, of course, will call for some additional force.

Mr. TRUAX. May I say to the gentleman from Virginia, who is a distinguished member of the Committee on Appropriations, that the gentleman from New York [Mr. CELLER] has already agreed to the striking out of all of line 5 and part of line 4, with the intention that if the position can be taken care of by the present personnel, without any extra salary or appropriation, it will be done.

Mr. WOODRUM. That, of course, is agreeable to me. The gentleman from New York [Mr. CELLER] has done pioneer work on the bill, and I readily accede to anything that is agreeable to him.

Mr. CELLER. I agree, provided we do not strike out "Director of Division"; but I yield most grudgingly and hope the gentleman will not press his suggestion.

Mr. WOODRUM. Oh, I think the position ought to be left in the bill.

Mr. SUMNERS of Texas. May I say to the gentleman from Ohio [Mr. TRUAX], he is familiar, of course, with the fact that the demand for this particular legislation has grown out of the fact that an enormous number of rules and regulations have been issued about which nothing has been known by the public at the time.

That is the cause of the immediate demand for legislation. We sought to bring about an arrangement under which rules and regulations will be given to the public and thereby given actual notice instead of mere constructive notice.

Then there is the matter of taking care of the archives. I call my friend's attention to the fact that the language in sections 4 and 5 is, as a matter of fact, language of limitation on any lump sum. The compensation cannot exceed \$6,000. I am not familiar with the general legislation as to lump-sum appropriations, but if that language fixing the maximum at \$6,000 is stricken out it might be possible that the salary would be fixed in excess of \$6,000.

Mr. TRUAX. I made that observation a while ago.

Mr. SUMNERS of Texas. To be frank with the gentleman, the bill came to the Committee on the Judiciary from the Department of Justice. It was prepared by those who had charge of this particular activity, and the amount of salary provided for originally was \$7,500.

The committee went into the matter very thoroughly and felt that the compensation should not exceed \$6,000—that that would be enough compensation to put in the bill. It did not say that the salary must be \$6,000 but not more than \$6,000.

Personally, I am apprehensive that to strike out the language in the bill would be to strike out the limitation. We did not know whether they could get a man for a less amount of money who was qualified, and we did not want to pay him any more than that. I hope my friend will not insist on striking it out.

Mr. TRUAX. Does not the gentleman think that somebody might be obtained who was well qualified for four or five thousand dollars? I think we have a lot of such persons in the State of Ohio well qualified for the job.

Mr. Speaker, I ask unanimous consent to withdraw my former amendment and offer another in lieu thereof.

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

There was no objection.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

A bill to provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof

Be it enacted, etc., That the Archivist of the United States, acting through a division established by him in the National Archives Establishment, hereinafter referred to as the "Division", is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under section 5.

There shall be at the head of the Division, a director, appointed by the President, who shall act under the general direction of the Archivist of the United States in carrying out the provisions of this act and the regulations prescribed hereunder, who shall receive a salary, to be fixed by the President, not to exceed \$6,000 a year.

Sec. 2. The original and two duplicate originals or certified copies of any document required or authorized to be published under section 5 shall be filed with the Division, which shall be open at all hours for that purpose. The Director of the Division shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing thereof: *Provided*, That when the original is issued, prescribed, or promulgated outside of the District of Columbia and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon such filing, at least one copy shall be immediately available for public inspection in the office of the Director of the Division. The original shall be retained in the archives of the National Archives Establishment and shall be available for inspection under regulations to be prescribed by the Archivist. The Division shall transmit immediately to the Government Printing Office for printing, as provided in this act, one duplicate original or certified copy of each document required or authorized to be published under section 5. Every Federal agency shall cause to be transmitted for filing as herein required the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency.

Sec. 3. All documents required or authorized to be published under section 5 shall be printed and distributed forthwith by the Government Printing Office in a serial publication designated the "Federal Register." It shall be the duty of the Public Printer to make available the facilities of the Government Printing Office for the prompt printing and distribution of the Federal Register in the manner and at the times required by the Archivist in accordance with the provisions of this act and the regulations prescribed hereunder. The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the division up to such time of the day immediately preceding the day of distribution as shall be fixed by regulations hereunder. There shall be printed with each document a copy of the notation, required to be made under section 2, of the day and hour when, upon filing with the division, such document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at such time in the morning of the day of distribution as shall be fixed by such regulations prescribed hereunder. The prices to be charged for the Federal Register may be fixed by the administrative committee established by section 6 without reference to the restrictions placed upon and fixed for the sale of Government publications by section 1 of the act of May 11, 1922, and section 307 of the act of June 30, 1932 (U. S. C., title 44, secs. 72 and 72a), and any amendments thereto.

Sec. 4. As used in this act, unless the context otherwise requires, the term "document" means any Presidential proclamation or Executive order and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency; the terms "Federal agency" or "agency" mean the President of the United States, or any executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government; and the term "person" means any individual, partnership, association, or corporation.

Sec. 5. (a) There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by act of the Congress: *Provided*, That for the purposes of this act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.

(b) In addition to the foregoing there shall also be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register.

Sec. 6. There is established a permanent Administrative Committee, of three members, consisting of the Archivist or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Division shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this act. Such regulations shall provide, among other things: (a) The manner of certification of copies required to be certified under section 2, which certification may be permitted to be based upon confirmed communications from outside of the District of Columbia; (b) the documents which shall be authorized pursuant to section 5 (b) to be published in the Federal Register; (c) the manner and form in which the Federal Register shall be printed, reprinted, compiled, indexed, bound,

and distributed; (d) the number of copies of the Federal Register which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees of the United States, or any Federal agency for their official use, and the number which shall be available for distribution to the public; and (e) the prices to be charged for individual copies of, and subscriptions to, the Federal Register and reprints and bound volumes thereof.

Sec. 7. No document required under section 5 (a) to be published in the Federal Register shall be effective as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the division and a copy made available for public inspection as provided in section 2; and, unless otherwise specifically provided by statute, such filing of any document, required or authorized to be published under section 5, shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby. The publication in the Federal Register of any document shall create a rebuttable presumption (a) that it was duly issued, prescribed, or promulgated; (b) that it was duly filed with the Division and made available for public inspection at the day and hour stated in the printed notation; (c) that the copy contained in the Federal Register is a true copy of the original; and (d) that all requirements of this act and the regulations prescribed hereunder relative to such document have been complied with. The contents of the Federal Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number.

Sec. 8. Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by or under an act of the Congress, or may otherwise properly be given, the notice shall be deemed to have been duly given to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law, if said notice shall be published in the Federal Register at such time that the period between the publication and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be (a) not less than the time specifically prescribed for the publication of the notice by the appropriate act of the Congress; or (b) not less than 15 days when no time for publication is specifically prescribed by the act, without prejudice, however, to the effectiveness of any notice of less than 15 days where such shorter period is reasonable.

Sec. 9. Every payment made for the Federal Register shall be covered into the Treasury as a miscellaneous receipt. The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and any other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this act shall be borne by the general appropriation to the Government Printing Office and such appropriation is hereby made available, and is authorized to be increased by an amount equal to the amount so covered into the Treasury and such additional sums as are necessary, for such purposes. The purposes for which appropriations are available and are authorized to be made under section 10 of the act entitled "An act to establish a National Archives of the United States Government, and for other purposes" (48 Stat. 1122) are enlarged to cover the additional duties placed upon the National Archives Establishment by the provisions of this act. Copies of the Federal Register mailed by the Government shall be entitled to the free use of the United States mails in the same manner as the official mail of the executive departments of the Government. The cost of mailing the Federal Register to officers and employees of Federal agencies in foreign countries shall be borne by the respective agencies.

Sec. 10. The provisions of section 2 shall become effective 60 days after the date of approval of this act and the publication of the Federal Register shall begin within 3 business days thereafter. The limitations upon the effectiveness of documents required, under section 5 (a), to be published in the Federal Register shall not be operative as to any document issued, prescribed, or promulgated prior to the date when such document is first required by this or subsequent act of the Congress or by Executive order to be published in the Federal Register.

Sec. 11. Within 6 months after the approval of this act each agency shall prepare and file with the committee a complete compilation of all documents which have been issued or promulgated prior to the date documents are required or authorized by this act to be published in the Federal Register and which are still in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities. The committee shall, within 60 days thereafter, report with respect thereto to the President, who shall determine which of such documents have general applicability and legal effect, and shall authorize the publication thereof in a special or supplemental edition or issue of the Federal Register. Such special or supplemental editions or issues shall be distributed in the same manner as regular editions or issues, and shall be included in the bound volumes of the Federal Register as supplements thereto.

Sec. 12. Nothing in this act shall be construed to apply to treaties, conventions, protocols, and other international agreements or proclamations thereof by the President.

Sec. 13. All acts or parts of acts in conflict with this act are hereby repealed insofar as they conflict herewith.

Sec. 14. This act may be cited as the "Federal Register Act."

Mr. TRUAX. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

Page 2, line 4, after the word "hereunder", strike out the following: "who shall receive a salary, to be fixed by the President, not to exceed \$6,000 a year."

Mr. ZIONCHECK. Mr. Speaker, I would like to offer a substitute amendment on the same point.

Mr. TRUAX. Mr. Speaker, I repeat the statement I made a while ago. One year ago, when the bill authorizing the creation of this new position of Superintendent of Archives was under consideration, I said then it was not necessary to import a specialist to handle this job at a salary of \$10,000 a year, nor is it necessary today to import a specialist at a salary of \$6,000 a year to handle this particular job. It seems to me that with all of the thousands of employees who are employed alone in the Government Printing Office, there should be found one man, or perhaps a woman, eminently qualified for this position at a salary perhaps of three or four thousand dollars a year. One of the pledges of our party in that historic convention held in Chicago in 1932 was a solemn promise to the people of this country to cut down bureaucracy and reduce bureaucratic expense. If I recall that convention correctly, we pledged in our party platform a reduction of at least 25 percent of the bureaucratic expenses of this Nation. Instead of that, we have increased vastly the positions now being held by the bureaucrats and the salaries that they are drawing.

I am informed that the main controversy in the adoption of the report of the conferees on the public-works relief bill is because of the objections of Mr. Ickes, Secretary of the Interior, to an amendment adopted by the Senate which provides that one-third of \$900,000,000 shall be spent directly for labor. I was one of the few Democrats who voted "no" on the motion to recommit that conference report to the conference committee. I voted "no" because I am opposed unalterably to any further usurpation of bureaucratic power by Mr. Ickes, Mr. Hopkins, or any of the other "four horsemen."

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

Mr. TRUAX. Yes.

Mr. TABER. If they would repeal the N. R. A. and A. A. A. and a few of those rackets, we would not need this bill at all.

Mr. TRUAX. Mr. Speaker, I do not favor the repeal of the N. R. A., because it contains provisions that are beneficial to American labor, such as the abolition of child labor, the outlawing of "yellow dog" contracts, and the right of labor to collective bargaining. There is much more good in the N. R. A. than there is bad, and therefore I favor, and shall vote for, its retention.

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

Mr. TRUAX. Yes.

Mr. MARCANTONIO. And I think the gentleman is in accord with me, that the interpretation of the labor provisions of the N. R. A. have been against labor, and those interpretations are being used to regiment labor to a low standard of living.

Mr. TRUAX. Mr. Speaker, I am in accord with the gentleman's statement. I sit on the Committee on Labor with the gentleman. We had Mr. Richberg testify before our committee and we have legislation now in our committee which we have reported favorably for passage that will correct that situation and make section 7 (a) what it is intended to be, a protection for the rights of American labor.

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

Mr. TRUAX. Yes.

Mr. MICHENER. Will the gentleman please get back to the bill that we are discussing.

Mr. TRUAX. Yes.

Mr. MICHENER. And tell us what he thinks about that amendment which he has suggested.

Mr. TRUAX. My amendment?

Mr. MICHENER. Yes.

Mr. TRUAX. I am for it 100 percent. I think it should be adopted by the House.

Mr. MICHENER. Will the gentleman yield further?

Mr. TRUAX. Yes.

Mr. MICHENER. Following the gentleman's views, does he not think that we should go a little further and put the employees of this new bureau under civil service. If we did that, then we could find a person at the salary the gentleman has suggested.

Mr. TRUAX. Does the gentleman mean by putting them under civil service that that will mean Republican appointments by the Republican bureaucrats?

Mr. MICHENER. Oh, no.

Mr. TRUAX. That has been my experience. I have found that many times whenever you place employees under civil service, it means the appointment of Republicans, regardless of merit.

Mr. MICHENER. The only way that that could be possibly true would be because only Republicans are competent.

Mr. TRUAX. I ask the Members of this House to adopt this amendment. It eliminates the necessity for going out into some other State, possibly New York, and importing a specialist at a salary of \$6,000 a year, when we have men right in the departments here who are well qualified and have all the specialization that is necessary to handle the job.

Mr. CELLER. Mr. Speaker, I rise in opposition to the amendment. I sympathize thoroughly with the aims and aspirations of the gentleman from Ohio [Mr. TRUAX] to keep down expenditures for the operations of various bureaus and departments of the Government. Unfortunately, the gentleman from Ohio injected into his remarks matters that are extraneous to the subject at hand. This bill has nothing to do with the usurpation of bureaucratic power and other and sundry items the gentleman adverted to. I rise to call the attention of Members of the House to the importance of this legislation.

In the first 15 months after March 4, 1933, the President alone issued 674 Executive orders, aggregating approximately 1,400 pages. This was a greater volume than that of the preceding 4 years, and nearly six times as great as that for the 39 years from 1862 through 1900. Moreover, in the first year of the National Recovery Administration 2,998 administrative orders were issued. In addition to these, the N. R. A. has adopted numerous regulations and sets of regulations which can only be found after a search through some 5,991 press releases issued during this period. It is estimated that the N. R. A. alone issued in all some 10,000 pages of "law"—a greater volume than the total amount of statute law contained in the United States Code.

Aside from the tremendous number of rules and regulations issued by the National Recovery Administration and the great activity by the President in the promulgation of his Executive orders, there are the many other departments and officials adding to the avalanche of executive orders, decrees, regulations, notices, and codes. The Agricultural Adjustment Administration has issued many series of regulations, some of them most complicated by amendments and supplements. There are customs regulations, internal-revenue regulations, immigration rules and regulations, and postal rules and regulations, comprising several volumes, frequently amended. The Veterans' Bureau has issued two large volumes of regulations; much of the data are already out of date. There is an elaborate series of regulations under the Pure Food and Drugs Act. Pretty soon the new boards and new commissions, like the Federal Communications Commission and the Securities and Exchange Commission, will issue their myriad of executive legislation. We have mentioned only a few of the bureaus. There are literally dozens of agencies with powers to publish rules and regulations. Ofttimes these rules and regulations prescribe penalties. It is difficult at times to find out what they are. Yet the property and persons of the citizens may be at stake.

The enactments of Congress are easily available, but often the regulations issued under them are more important than the basic acts. But these administrative rules and pro-

nouncements oftentimes cannot be found. As to their publication and distribution, there is utter chaos. These rules and regulations frequently appear in separate paper pamphlets, some printed on single sheets of paper and easily lost. Any attempt to compile a complete private collection of these rules and regulations would be wellnigh impossible. No law library, public or private, contains them all. Officials of the department issuing them frequently do not know all of their own regulations. Recently, as has been pointed out by Prof. Erwin N. Griswold, of the Harvard Law School, in an article in the December 1934 issue of the Harvard Law Review, entitled "Government in Ignorance of the Law—A Plea for Better Publication of Executive Legislation", an indictment was brought and an appeal was taken by the Government to the Supreme Court before it was discovered that the regulation on which the proceeding was based did not exist. (See *United States v. Smith*, no. 3, October term, 1934; appeal dismissed on motion of the appellant, Oct. 1, 1934. See *New York Times*, Oct. 2, 1934, at p. 6.)

A committee of the American Bar Association has this to say on the subject:

The practice of filing Executive orders with the Department of State is not uniformly or regularly followed, and the totals are really greater than above indicated. Some orders are retained or buried in the files of the Government departments, some are confidential and are not published, and the practice as to printing and publication of orders is not uniform. Some orders are made known and available rather promptly after their approval; the publication of others may be delayed a month or more, with consequent confusion in numbering. The comparatively large number of recent orders which incorporate provisions purporting to impose criminal penalties by way of fine and imprisonment for violation is without numerical precedent in the history of the Government.

Such chaos and disorder concerning statutory rules and regulations demands an immediate solution. H. R. 6323 provides such solution. There shall be an official publication called the "Federal Register", in which all rules and regulations shall systematically and uniformly be published, and such Federal Register shall be readily accessible to all parties interested. There shall be available for public use indices and tabulations of such rules and regulations.

There is not an enlightened country in the world that has not legislation of this character. I have taken the trouble to go through many volumes to discover what England does, what Canada does, and the South American countries, and France, India, New Zealand, and South Africa. They all have legislation of this character and they have had it for years. A bill of this character was passed by the English Parliament as far back as 1890. The London Gazette is the English publication corresponding to the Federal Register set up in my bill. When you recollect that there are these 11,000 pages of rules and regulations promulgated by the N. R. A.—and very few people know what they are or where they are—you will have some idea of the size of this job. Suppose any one of you had to codify and rearrange that vast amount of administrative law. You would have your hands full.

In some departments these rules and regulations take the form of mimeographed blanks, they take the form of telegraph blanks, yet many of those so-called "rules and regulations", so improperly promulgated, carry with them penalties threatening your liberties. Take the huge amount of rules and regulations issued by the Veterans' Bureau and a similar number issued by the Post Office Department, the S. E. C., the R. F. C., the A. A. A., the F. E. R. A., the C. C. C., H. O. L. C., and so forth. Where they are and what they are the Lord only knows. It takes a Sabbath-day journey to find a few of them, yet we know that these rules and regulations are far more important than the basic acts that we pass in this House. See how lax we have been? Shall that laxity continue?

Keep in mind that anomalous situation that arose in Texas when a man was arrested and indicted for an alleged violation of a regulation which had been repealed prior to the date of the alleged offense. Yet nobody connected with the Petroleum Code knew anything about the repeal of the regulation. The United States attorney knew nothing about it. The great Department of Justice had to move to dismiss the case.

Such proceedings make us look ridiculous. It shall not happen again. My bill is the safeguard.

Now is the time to call a halt. We should have some means by which the whole Nation may be apprised of rules and regulations promulgated, many of which carry criminal penalties, so that you and I will be safe from arrest for violating something which does not even exist.

Mr. DONDERO. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. DONDERO. Does the gentleman think this will in any way encourage the continuation of legislation in that manner?

Mr. CELLER. My bill will prevent it. I think it would discourage also the so-called "wild cat" legislation by rule and regulation. Heads of bureaus will think twice and most carefully before promulgating rules. This bill has two purposes. It provides for the codification of all past rules and regulations and proper promulgation of rules and regulations in the future, and the custody of those rules and regulations in the proper place is assured, after certain notice, so that you and I may know where to find them and what they are. They will be under a division composed of a member of the Archives Department, a member of the Department of Justice, and the Government Printing Office.

[Here the gavel fell.]

Mr. CELLER. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

Mr. BLAND. Reserving the right to object, the gentleman ought to give consideration to the fact that there are other important bills on the calendar.

The SPEAKER. Is there objection?

There was no objection.

Mr. CELLER. I will not use the 5 minutes.

There must be a specialist employed to supervise this work. It requires much acumen, intelligence, and skill. Originally we wanted to place this whole thing in the Library of Congress, but we found the Librarian had not the facilities to handle the situation. We wanted to save the money which the gentleman from Ohio [Mr. TRUX] is anxious about. We then had arranged to let the Department of Justice handle it exclusively. The Attorney General said they had no facilities. We went to the Bureau of Archives, and they said they would be glad to handle it, provided we would get a man skillful enough, well grounded, and highly intelligent, and who had a ready knowledge of departmental work. If you are going to reduce the amount of salary which we originally placed at \$7,500 in the bill, down to three or four thousand dollars, you will not get the proper man to handle this work. I hope you will not reduce the salary to such a low extent that you will not get the proper talent to take care of this work. I believe \$6,000 is the proper amount.

Mr. HEALEY. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. HEALEY. It is true that an ordinary clerk of a small court or the clerk of a city or town receives in the vicinity of three or four or five thousand dollars a year salary for the type of work he does?

Mr. CELLER. That is true.

Mr. HEALEY. And this man will have all of these very valuable documents, affecting all of the people in our country and our Government, under his jurisdiction?

Mr. CELLER. That is true.

Herewith I give you a synopsis of the bill by sections:

Section 1 provides that the Archivist of the United States shall be charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under the provisions of the bill. This section further provides that the provisions of the bill shall be carried out under the supervision of a director, appointed by the President, who in turn shall act under the general direction of the Archivist of the United States.

Section 2 provides for the filing with the division in charge, of the original and two duplicate originals or certified copies of any documents required or authorized to be published under section 4 of the bill. Further provision under section 2 is made that the original be retained in the

archives of the National Archives Establishment and that one duplicate, original, or certified copy thereof be immediately transmitted to the Government Printing Office for printing.

Section 3 provides for the printing and distribution by the Government Printing Office of a serial publication designated the "Federal Register", to be distributed daily except Sundays, Mondays, and days following legal holidays. It is further provided in section 3 that the contents of the daily issue shall comprise all documents filed with the Division up to such time of the day immediately preceding the day of distribution as shall be fixed by the regulations. The method of distribution of, and the prices to be charged for, the Federal Register are also provided for in section 3.

Section 4 sets forth the documents required or authorized to be filed in the Division and to be published in the Federal Register.

Section 5 (a) makes specification as to which Presidential proclamations and Executive orders shall be published in the Federal Register, as well as to which document or classes of documents are to be published.

Section 5 (b) further provides for the publication in the Register of certain other documents or classes of documents.

Section 6 provides for the establishment of a permanent administrative committee of three members, which committee, consisting of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer, shall prescribe, with the approval of the President, regulations for carrying out the provisions of the bill. The provisions of such regulations are also set forth in section 6.

Section 7 provides that the Federal Register shall be judicially noticed.

Section 8 provides that publication in the Federal Register shall be deemed to have been duly given to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law.

Section 9 provides that the purposes for which appropriations are available and are authorized to be made under section 10 of the act entitled "An act to establish a National Archives of the United States Government, and for other purposes" (48 Stat. 1122) are enlarged to cover the additional duties placed upon the National Archives Establishment by the provisions of this bill.

Section 10 provides that the provisions of section 2 of this bill shall become effective 60 days after the date of approval of this bill and the publication of the Federal Register shall begin within 3 business days thereafter.

Section 11 makes provision for and sets forth rules governing the publication of a special or supplemental edition or issue of the Federal Register.

Section 12 excludes treaties, conventions, protocols, and other international agreements or proclamations thereof by the President from the provisions of this bill.

Section 13 provides that all acts or parts of acts in conflict with this act are repealed insofar as they conflict therewith.

Section 14 provides that this act may be cited as the "Federal Register Act."

I yield back the balance of my time, Mr. Speaker.

Mr. ZIONCHECK. Mr. Speaker, I offer a perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. ZIONCHECK: Page 2, line 5, strike out "\$6,000" and insert in lieu thereof "\$5,000."

Mr. ZIONCHECK. The only reason I do this is to let the House say whether they will limit the salary to \$5,000 or \$6,000.

The SPEAKER. The question is on the perfecting amendment offered by the gentleman from Washington.

The amendment was agreed to.

The SPEAKER. The question is on the amendment offered by the gentleman from Ohio [Mr. TRUX].

The amendment was rejected.

The Clerk read as follows:

A bill to provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof

Be it enacted, etc., That the Archivist of the United States, acting through a division established by him in the National Archives Establishment, hereinafter referred to as the "Division", is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under section 5. There shall be at the head of the Division a director, appointed by the President, who shall act under the general direction of the Archivist of the United States in carrying out the provisions of this act and the regulations prescribed hereunder, who shall receive a salary, to be fixed by the President, not to exceed \$6,000 a year.

SEC. 2. The original and two duplicate originals or certified copies of any document required or authorized to be published under section 5 shall be filed with the Division, which shall be open at all hours for that purpose. The Director of the Division shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing thereof: *Provided*, That when the original is issued, prescribed, or promulgated outside of the District of Columbia and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon such filing, at least one copy shall be immediately available for public inspection in the office of the Director of the Division. The original shall be retained in the archives of the National Archives Establishment and shall be available for inspection under regulations to be prescribed by the Archivist. The Division shall transmit immediately to the Government Printing Office for printing, as provided in this act, one duplicate original or certified copy of each document required or authorized to be published under section 5. Every Federal agency shall cause to be transmitted for filing as herein required the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency.

SEC. 3. All documents required or authorized to be published under section 5 shall be printed and distributed forthwith by the Government Printing Office in a serial publication designated the "Federal Register." It shall be the duty of the Public Printer to make available the facilities of the Government Printing Office for the prompt printing and distribution of the Federal Register in the manner and at the times required by the Archivist in accordance with the provisions of this act and the regulations prescribed hereunder. The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the Division up to such time of the day immediately preceding the day of distribution as shall be fixed by regulations hereunder. There shall be printed with each document a copy of the notation, required to be made under section 2, of the day and hour when, upon filing with the Division, such document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at such time in the morning of the day of distribution as shall be fixed by such regulations prescribed hereunder. The prices to be charged for the Federal Register may be fixed by the administrative committee established by section 6 without reference to the restrictions placed upon and fixed for the sale of Government publications by section 1 of the act of May 11, 1922, and section 307 of the act of June 30, 1932 (U. S. C., title 44, secs. 72 and 72a), and any amendments thereto.

SEC. 4. As used in this act, unless the context otherwise requires, the term "document" means any Presidential proclamation or Executive order and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency; the terms "Federal agency" or "agency" mean the President of the United States, or any executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government; and the term "person" means any individual, partnership, association, or corporation.

SEC. 5. (a) There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by act of the Congress: *Provided*, That for the purposes of this act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.

(b) In addition to the foregoing there shall also be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register.

SEC. 6. There is established a permanent Administrative Committee of three members consisting of the Archivist or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The director of the division shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out

the provisions of this act. Such regulations shall provide, among other things: (a) The manner of certification of copies required to be certified under section 2, which certification may be permitted to be based upon confirmed communications from outside of the District of Columbia; (b) the documents which shall be authorized pursuant to section 5 (b) to be published in the Federal Register; (c) the manner and form in which the Federal Register shall be printed, reprinted, compiled, indexed, bound, and distributed; (d) the number of copies of the Federal Register which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees of the United States, or any Federal agency for their official use, and the number which shall be available for distribution to the public; and (e) the prices to be charged for individual copies of, and subscriptions to, the Federal Register and reprints and bound volumes thereof.

SEC. 7. No document required under section 5 (a), to be published in the Federal Register shall be effective as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the division and a copy made available for public inspection as provided in section 2; and, unless otherwise specifically provided by statute, such filing of any document, required or authorized to be published under section 5, shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby. The publication in the Federal Register of any document shall create a rebuttable presumption (a) that it was duly issued, prescribed, or promulgated; (b) that it was duly filed with the division and made available for public inspection at the day and hour stated in the printed notation; (c) that the copy contained in the Federal Register is a true copy of the original; and, (d) that all requirements of this act and the regulations prescribed hereunder relative to such document have been complied with. The contents of the Federal Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number.

SEC. 8. Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by or under an act of the Congress, or may otherwise properly be given, the notice shall be deemed to have been duly given to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law, if said notice shall be published in the Federal Register at such time that the period between the publication and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be (a) not less than the time specifically prescribed for the publication of the notice by the appropriate act of the Congress; or (b) not less than 15 days when no time for publication is specifically prescribed by the act, without prejudice, however, to the effectiveness of any notice of less than 15 days where such shorter period is reasonable.

SEC. 9. Every payment made for the Federal Register shall be covered into the Treasury as a miscellaneous receipt. The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and any other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this act shall be borne by the general appropriation to the Government Printing Office and such appropriation is hereby made available, and is authorized to be increased by an amount equal to the amount so covered into the Treasury and such additional sums as are necessary, for such purposes. The purposes for which appropriations are available and are authorized to be made under section 10 of the act entitled "An act to establish a National Archives of the United States Government, and for other purposes" (48 Stat. 1122) are enlarged to cover the additional duties placed upon the National Archives Establishment by the provisions of this act. Copies of the Federal Register mailed by the Government shall be entitled to the free use of the United States mails in the same manner as the official mail of the executive departments of the Government. The cost of mailing the Federal Register to officers and employees of Federal agencies in foreign countries shall be borne by the respective agencies.

SEC. 10. The provisions of section 2 shall become effective 60 days after the date of approval of this act and the publication of the Federal Register shall begin within 3 business days thereafter. The limitations upon the effectiveness of documents required, under section 5 (a), to be published in the Federal Register shall not be operative as to any document issued, prescribed, or promulgated prior to the date when such document is first required by this or subsequent act of the Congress or by Executive order to be published in the Federal Register.

SEC. 11. Within 6 months after the approval of this act each agency shall prepare and file with the committee a complete compilation of all documents which have been issued or promulgated prior to the date documents are required or authorized by this act to be published in the Federal Register and which are still in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities. The committee shall within 60 days thereafter report with respect thereto to the President, who shall determine which of such documents have general applicability and legal effect, and shall authorize the publication thereof in a special or supplemental edition or issue of the Federal Register. Such special or supplemental editions or issues shall be distributed in the same manner as regular editions or issues, and shall be included in the bound volumes of the Federal Register as supplements thereto.

SEC. 12. Nothing in this act shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

SEC. 13. All acts or parts of acts in conflict with this act are hereby repealed insofar as they conflict herewith.

SEC. 14. This act may be cited as the "Federal Register Act."

Mr. CANNON of Missouri. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the bill (H. R. 6359) relating to repeal of publicity of income-tax returns has been sent to conference and the conferees will meet in the near future to consider the Senate amendment.

As there has been no opportunity to debate the amendment in the House I wish to call attention to its importance and to express the hope that the House conferees will recede and agree to it in conference.

The Senate amendment provides:

(1) All returns filed under this title shall be open to examination by any official, body, or commission of any State or political subdivision thereof lawfully charged with the administration of any State or local tax laws and while engaged in the performance of official duties. Such examination shall be made in a manner prescribed by the Commissioner and approved by the Secretary.

(2) Any information thus secured by an official, body, or commission of any State or political subdivision thereof shall be used only in connection with the administration of State or local tax laws and for no other purpose. Any such official or employee or agent of any such body or commission who divulges, except in the performance of his official duties, or when called upon to testify in any court or official proceedings, any information acquired by him through examination of said income-tax returns, shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than \$500 and not more than \$1,000.

This is a most salutary provision, Mr. Speaker. While protecting the returns from scrutiny by the general public as provided by the House bill it affords the tax authorities of States which impose a State income tax an opportunity to compare State and Federal returns, and thereby discourages evasion of the State law and insures a maximum State revenue from this source.

The importance of this provision is indicated by the fact that in my own State inspection of Federal income-tax returns by the State taxing authorities brought in an additional \$400,000 to the State of Missouri last year which otherwise would not have been collected. The Senate amendment, while affording ample protection from unofficial inspection, is the most effective aid in the enforcement of State income-tax laws that could be enacted. [Applause.]

Mr. Speaker, the crying fiscal need of the States today is revenue with which to match Federal contributions—contributions for Federal relief, contributions for old-age pensions, contributions for the building of State roads, contributions to insure the maintenance of our schools and equal educational facilities to the children of every American citizen. There is hardly a State in the Union that is not hard pressed for funds to finance one or all of these essential activities, and agreement by the House conferees to the Senate amendment will do more to care for the aged and the needy, to relieve unemployment and to provide for the proper training of the next generation than anything else that could be done in this connection.

A provision of this character, contributing to the enforcement of State income-tax laws, will to that extent protect the consumer against the necessity for the imposition of irksome and burdensome sales taxes to which some States are having to resort in order to provide for these purposes.

I sincerely trust the House conferees will agree in conference to the Senate amendment and am certain the House will be inclined to favor such a report if opportunity is afforded.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMPACTS BETWEEN STATES

The Clerk called the next resolution, House Joint Resolution 146, to authorize the several States to negotiate compacts or agreements to promote greater uniformity in the laws of such States affecting labor and industries.

Mr. ZIONCHECK. Mr. Speaker, reserving the right to object, I understand the gentleman from Massachusetts (Mr. HEALEY) states that in no way will this bill be detrimental to labor or labor disputes, or in any manner authorize State compacts of that kind.

Mr. HEALEY. Mr. Speaker, as a matter of fact, this resolution is designed to protect the interests of labor. I have a letter from the president of the American Federation of Labor, Mr. Green, the last paragraph of which reads as follows:

Secretary Watts states that the resolution deserves the support of labor. I concur in this position. I am glad to advise you in this way.

This letter is signed by William Green, president American Federation of Labor.

Mr. WOLCOTT. Mr. Speaker will the gentleman yield?

Mr. HEALEY. I yield.

Mr. WOLCOTT. I think there is an ambiguity in section 3 which should be cleared up. I am asking these questions merely to accomplish the legislative intent of the author of the bill. Is it the gentleman's understanding that the last sentence requires that these pacts be sent to Congress for the approbation of Congress before they become effective?

Mr. HEALEY. That is absolutely so. There is not a safeguard that already exists that is not included in this particular bill.

Mr. WOLCOTT. After the States have entered into the compacts and their legislatures have ratified them they must then be ratified by Congress?

Mr. HEALEY. The gentleman is correct.

Mr. WOLCOTT. That is the object of the bill.

Mr. HEALEY. The objects of the bill are manifold. Section 2 provides that upon the request of the States negotiating under this act the President may designate a representative to attend upon such negotiations. This is new and confers a right upon the States to request that a representative of the Government be present during the negotiation of the pact. The bill also is designed to encourage and support the policy of States entering into agreements and compacts with each other and in groups for the purpose of agreeing upon and securing uniform legislation affecting the relation of employer and employees.

Events of the past 3 or 4 years have demonstrated that there is a necessity for a more effective method of conserving the economic and social interests of the citizens of the several States. The migration of factories from State to State has become all too common. The causes of this migration can be found principally in the effort to discover locations where the most lenient industrial legislation exists. States which have enacted regulatory legislation for the betterment of working conditions in its industries find themselves sorely handicapped in competition with those States which have less stringent industrial legislation. This condition has become accentuated during the depression. This situation has resulted in a general lowering of standards. Advances which have taken years to accomplish are in danger of being swept away.

This legislation will afford the States an opportunity to reach a solution of problems confronting them by their own efforts and by mutual cooperation. The members of the Judiciary Committee, which unanimously reported this resolution, believe such efforts should be encouraged in every way by the Federal Government. Favorable action by Congress on this resolution is a significant step in the direction of indicating our desire for higher standards of industrial legislation.

The compacts may provide for considerable flexibility of legislative and administrative detail which will leave the individual States free to draft their legislative and administrative decrees in common without restrictive details in the compacts themselves. Provision may be made for continuing modification in the light of experience in that operation.

Compacts between States have hitherto been concerned with the natural or physical resources of the various States that have entered into them, while compacts envisaged under this resolution will be concerned with social

Mr. SMITH. Mr. President, I should like to give notice now that immediately upon the conclusion of the consideration of the naval appropriation bill I shall move the consideration of Senate bill 1897.

ESTATE OF JOSEPH Y. UNDERWOOD

The Senate proceeded to consider the bill (S. 2616) for the relief of the estate of Joseph Y. Underwood, which had been reported from the Committee on Claims with amendments, on page 1, line 7, to strike out "\$282,075" and to insert in lieu thereof "\$10,000", and to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert C. Underwood, of Brooklyn, N. Y., as executor of the estate of Joseph Y. Underwood, deceased, the sum of \$10,000, in full satisfaction of all claims of such estate against the United States arising out of services rendered by such Joseph Y. Underwood in effecting the sale of 15 wooden vessels in June 1919 and of 11 wooden vessels in January 1920 by the United States Shipping Board to the Nacirema Steamship Corporation: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

Mr. KING. Mr. President, let this bill go over.

Mr. LOGAN. Mr. President, will the Senator withhold his objection a moment?

Mr. KING. Certainly.

Mr. LOGAN. This matter came before the Committee on Claims, and I do not believe we have ever given more serious consideration to any claim than we gave to this one. It was under consideration last year.

The Shipping Board was authorized, by an order of the President, to sell certain ships after the war. A contract was made with Mr. Underwood, who was a ship broker in New York, and he sold ships to the amount of \$11,000,000. He thought he had a contract to receive 1½-percent commission, but later the question was raised that the contract was not in writing or that there was some defect in it, and the case went to the Court of Claims, and because of that fact it was held that the contract was not valid.

In going into the matter we found that while Mr. Underwood sold \$11,000,000 worth of ships, only six or seven hundred thousand dollars was paid into the Treasury, and after mature and lengthy consideration we reached the conclusion that the claimant ought to have his 1½-percent commission based on what the Government actually collected, which amounted, in round figures, to \$10,000. So we cut the amount from \$285,000 to \$10,000.

Mr. KING. I have no objection.

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

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

ESTATE OF HARRY F. STERN

The bill (S. 2644) for the relief of the estate of Harry F. Stern was announced as next in order.

Mr. KING. I should like to have an explanation of this bill.

The PRESIDENT pro tempore. The Senator from Utah asks for an explanation of the bill, which was reported by the Senator from Wisconsin [Mr. DUFFY], who does not seem to be in the Chamber at this moment.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

CUSTODY OF FEDERAL PROCLAMATIONS

The bill (H. R. 6323) to provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and dis-

tribution thereof, was considered, ordered to a third reading, read the third time, and passed.

Mr. BARKLEY subsequently said: Mr. President, I ask unanimous consent to recur to Order of Business 576, being House bill 6323. I did not know the calendar was to be called this morning. That is a bill reported from the Committee on the Library and it passed without amendment. Since it was reported the State Department has suggested an amendment to the bill which I do not happen to have in my desk, but I ask unanimous consent that the vote by which that bill was passed be reconsidered and that the bill be returned to the calendar.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered. The bill will be returned to the calendar.

Mr. BARKLEY. I may ask the privilege of having the bill considered later.

THADDEUS C. KNIGHT

The bill (H. R. 2294) for the relief of Thaddeus C. Knight was considered, ordered to a third reading, read the third time, and passed.

FRANCES AGRAMONTE

The bill (S. 2472) to pay an annuity to Frances Agramonte, the widow of Dr. Aristides Agramonte, member of the Yellow Fever Commission, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts annually as may be necessary to pay, during the remainder of her natural life, the sum of \$125 per month to Frances Agramonte, widow of Dr. Aristides Agramonte, deceased, who was a member of the Yellow Fever Commission, and whose name appears on the roll of honor of the participants in the yellow-fever investigations in Cuba, published annually in the Army Register, said annuity being the same heretofore paid to Dr. Aristides Agramonte, pursuant to the provisions of the public act approved February 28, 1929, entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever."

JACK DOYLE

The bill (S. 166) for the relief of Jack Doyle was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

ADDITIONAL DISTRICT AND CIRCUIT JUDGES

The Senate proceeded to consider the bill (S. 317) to provide for the appointment of two additional judges of the District Court of the United States for the Southern District of California, and for other purposes, which was read, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the consent of the Senate, two additional judges of the District Court of the United States for the Southern District of California, who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judges of said district.

Sec. 2. In the event a vacancy occurs in the office of the district judge now senior in date of commission in said district, and who was appointed under the act of September 14, 1922, such vacancy, and succeeding vacancies in the same office, shall be filled without further action by Congress.

Mr. KING. Mr. President, the Judiciary Committee this morning had this measure under consideration, as well as another measure which calls for the appointment of a judge of the Circuit Court for the Ninth Circuit. It was understood that I was to ask for the consideration of the bill, with the amendment to which I have just referred, and if the Senator from Nevada [Mr. McCARRAN] would offer the amendment I should be very glad to receive it, and then ask for the passage of the bill.

Mr. McCARRAN. Mr. President, on page 1, line 8, after the word "district", I move to insert the words "and one additional judge of the Circuit Court of the United States for the Ninth Judicial Circuit, by and with the advice of the Senate."

I should like to say in this respect, supplementing the expressions of the Senator from Utah, that both of these provisions are approved by the Department of Justice.

Mr. COPELAND. That is correct. It simply includes poultry within the act as other animal products are now included.

Mr. KING. Mr. President, I am so much opposed to the bureaucratic methods of many of the departments that I am very much afraid this is an attempt to usurp the authority which belongs to the State and should remain within the State.

Mr. COPELAND. I shall be very glad to have the Senator further consider the matter, and if he shall conclude that we should reconsider the action by which the bill is passed, I shall be willing to have that done.

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

COMPENSATION OF REGISTERS OF DISTRICT LAND OFFICES

The Senate proceeded to consider the bill (S. 2361) to fix the compensation of registers of district land offices, which had been reported from the Committee on Public Lands and Surveys without amendment, as follows:

Be it enacted, etc., That the act entitled "An act to fix the compensation of registers of local land offices, and for other purposes", approved May 21, 1928 (45 Stat. L., ch. 661, p. 684), is hereby amended to read as follows: "That from and after the 1st day of the month following the approval of this act the compensation of registers of district land offices shall be a salary of \$2,000 per annum each, and all fees and commissions now allowed by law to such registers, but the salary, fees, and commissions of such registers shall not exceed \$3,600 each per annum: *Provided*, That the salary of the register of the Juneau land district, Alaska, shall be \$3,600 per annum."

Mr. ROBINSON. Mr. President, I think the bill should be discussed. It appears that it provides for an increase in the salaries of registers of district land offices. I think there should be an explanation why it is proposed to increase all those salaries.

Mr. O'MAHONEY. Mr. President, the bill merely increases the minimum salary which is paid to registers of land offices. Under the present law the salaries of registers are derived chiefly from fees for the filing of applications arising out of claims upon the public domain. A minimum salary of \$1,000, however, is fixed. By reason of the withdrawal of public lands from entry and by reason of the passage of the Taylor Grazing Act, the fees have been practically cut off. This bill merely means a guarantee of \$2,000 instead of \$1,000 to approximately nine officials, so it does not involve any great amount of money at all.

Mr. ROBINSON. Does the Senator find any difficulty in securing officers to hold these positions?

Mr. O'MAHONEY. Of course, these officers were appointed before the Executive withdrawals and before the passage of the Taylor Grazing Act.

Mr. ROBINSON. What will be the total cost of the increase?

Mr. ADAMS. Mr. President, may I say that the total increase in cost will be practically nothing. Registers of land offices are having imposed upon them under the Taylor Grazing Act many additional duties for which they will receive no compensation. The performance of all duties heretofore was paid for. There will be no increase, with the possible exception of a few land offices where the fees were not sufficient heretofore to reach the \$2,000 point. I think there is an aggregate increase of probably \$4,000 to all the land offices.

Mr. ROBINSON. It is difficult to understand why it is necessary to raise the minimum salary of registers from \$1,000 to \$2,000 and then to limit their total compensation to \$3,600.

Mr. HATCH. Mr. President, that is the limitation in the present law.

Mr. ROBINSON. If the total effect of the increase is to cost the Government only about \$4,000, I shall not object.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1227) to authorize the issuance and sale to the United States of certain bonds of municipal governments in Puerto Rico, and for other purposes, was announced as next in order.

Mr. VANDENBERG and Mr. McKELLAR. Over.
The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2228) to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges and agricultural experiment stations was announced as next in order.

Mr. KING. Over.
The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1689) for the relief of Frank Fisher was announced as next in order.

Mr. KING. Let that go over.
The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1861) to incorporate the National Association of State Libraries was announced as next in order.

Mr. KING. Let that go over.
The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1807) to amend the Agricultural Adjustment Act, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. This bill, being the unfinished business, will be passed over.

The bill (S. 2644) for the relief of the estate of Harry F. Stern was announced as next in order.

Mr. KING. I should like to have an explanation of that bill.

The PRESIDENT pro tempore. The Senator from Utah asks for an explanation of the bill.

Mr. McKELLAR. Let it go over.
The PRESIDENT pro tempore. The bill will be passed over.

CUSTODY OF FEDERAL DOCUMENTS

The bill (H. R. 6323) to provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof was considered, ordered to a third reading, read the third time, and passed.

Mr. BARKLEY subsequently said: Mr. President, I desire to inquire what disposition was made of House bill 6323, Calendar No. 576?

The PRESIDENT pro tempore. The bill was passed.

Mr. BARKLEY. I ask unanimous consent to reconsider the votes by which that bill was ordered to a third reading and passed, and that it be left on the calendar. One of the departments has made a suggestion about an amendment which I do not happen to have at my desk. I therefore ask that the bill be restored to the calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILL PASSED OVER

The bill (S. 166) for the relief of Jack Doyle was announced as next in order.

Mr. KING. Let that go over.
The PRESIDENT pro tempore. The bill will be passed over.

PAYMENT OF NON-INDIAN CLAIMANTS UNDER ACT OF JUNE 7, 1924

The Senate proceeded to consider the bill (S. 2608) to authorize an appropriation to pay non-Indian claimants whose claims have been extinguished under the act of June 7, 1924, but who have been found entitled to awards under said act as supplemented by the act of May 31, 1933, which was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum to compensate white settlers or non-Indian claimants whose claims have been extinguished under the act of June 7, 1924 (43 Stat. L. 636), but who have been found by the Secretary of the Interior, in conformity with the proviso to section 3

1937, with any court having naturalization jurisdiction: *Provided*, That for the purposes of this act clause (1) of subdivision (a) of section 1 of the aforesaid act of May 25, 1932, is amended by striking out the words "All such period" and in lieu thereof inserting the words "the 5 years immediately preceding the filing of his petition."

Sec. 2. The provisions of section 1 of this act are hereby extended to include any alien lawfully admitted into the United States for permanent residence who departed therefrom between August 1, 1914, and April 5, 1917, or who, having been denied entry into the military and naval forces of the United States, departed therefrom subsequent to April 5, 1917, for the purpose of serving, and actually served prior to November 11, 1918, in the military or naval forces of any of the countries allied with the United States in the World War and was discharged from such service under honorable circumstances: *Provided*, That before any applicant for citizenship under this section is admitted to citizenship, the court shall be satisfied by competent proof that he is entitled to, and has complied in all respects with, the provisions of this act; and that he was and had been a bona fide lawfully admitted resident in the United States for 2 years before the passage of this act.

Sec. 3. The Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, shall prescribe such rules and regulations as may be necessary for the enforcement of this act.

Mr. COPELAND. Mr. President, I understand that the words are identical with the amendment which was offered by the Senate committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Senate committee.

The amendment was agreed to.

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

The PRESIDING OFFICER. Without objection, Senate bill 2015 will be indefinitely postponed.

CUSTODY OF FEDERAL DOCUMENTS

Mr. BARKLEY. Mr. President, two or three times Calendar No. 576, House bill 6323, has been reached and passed over. I ask that we recur to the bill in order that I may offer several amendments to it. The bill is a very important measure providing for the preservation of public documents by the Archivist.

I ask unanimous consent to recur to Calendar No. 576 in order that I may offer the amendments.

The PRESIDING OFFICER. Is there objection?

There being no objection the Senate proceeded to consider the bill (H. R. 6323) to provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof.

Mr. BARKLEY. Mr. President, I offer several amendments, which I ask to have stated.

The PRESIDING OFFICER. The amendments will be stated.

The CHIEF CLERK. In section 2, page 2, line 9, after the word "open", it is proposed to strike out "at all hours for that purpose" and insert "for that purpose during all hours of the working days when the Archives Building shall be open for official business", so as to make the section read:

Sec. 2. The original and two duplicate originals or certified copies of any document required or authorized to be published under section 5 shall be filed with the Division, which shall be open for that purpose during all hours of the working days when the Archives Building shall be open for official business. The Director of the Division shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing thereof: *Provided*, That when the original is issued, prescribed, or promulgated outside of the District of Columbia and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon such filing, at least one copy shall be immediately available for public inspection in the office of the Director of the Division. The original shall be retained in the archives of the National Archives Establishment and shall be available for inspection under regulations to be prescribed by the Archivist. The Division shall transmit immediately to the Government Printing Office for printing, as provided in this act, one duplicate original or certified copy of each document required or authorized to be published under section 5. Every Federal agency shall cause to be transmitted for filing as herein required the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency.

The amendment was agreed to.

The CHIEF CLERK. In section 3, page 3, line 13, after the word "required", it is proposed to strike out "by the Archivist", so as to make the section read:

Sec. 3. All documents required or authorized to be published under section 5 shall be printed and distributed forthwith by the Government Printing Office in a serial publication designated the "Federal Register." It shall be the duty of the Public Printer to make available the facilities of the Government Printing Office for the prompt printing and distribution of the Federal Register in the manner and at the times required in accordance with the provisions of this act and the regulations prescribed hereunder. The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the Division up to such time of the day immediately preceding the day of distribution as shall be fixed by regulations hereunder. There shall be printed with each document a copy of the notation, required to be made under section 2, of the day and hour when, upon filing with the Division, such document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at such time in the morning of the day of distribution as shall be fixed by such regulations prescribed hereunder. The prices to be charged for the Federal Register may be fixed by the administrative committee established by section 6 without reference to the restrictions placed upon and fixed for the sale of Government publications by section 1 of the act of May 11, 1922, and section 307 of the act of June 30, 1932 (U. S. C., title 44, secs. 72 and 72a), and any amendments thereto.

The amendment was agreed to.

The CHIEF CLERK. In section 7, page 6, line 18, after the words "shall be", it is proposed to strike out "effective" and insert "valid", so as to make the section read:

Sec. 7. No document required under section 5 (a), to be published in the Federal Register shall be valid as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the Division and a copy made available for public inspection as provided in section 2; and, unless otherwise specifically provided by statute, such filing of any document, required or authorized to be published under section 5, shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such documents to any person subject thereto or affected thereby. The publication in the Federal Register of any document shall create a rebuttable presumption (a) that it was duly issued, prescribed, or promulgated; (b) that it was duly filed with the Division and made available for public inspection at the day and hour stated in the printed notation; (c) that the copy contained in the Federal Register is a true copy of the original; and, (d) that all requirements of this act and the regulations prescribed hereunder relative to such document have been complied with. The contents of the Federal Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number.

The amendment was agreed to.

The CHIEF CLERK. In section 9, page 8, line 14, after the word "borne", it is proposed to strike out "by the general appropriation to the Government Printing Office and such appropriation is hereby made available, and is authorized to be increased by an amount equal to the amount so covered into the Treasury and such additional sums as are necessary, for such purposes", and to insert "by the appropriations to the Government Printing Office and such appropriations are hereby made available, and are authorized to be increased by such additional sums as are necessary for such purposes, such increases to be based upon estimates submitted by the Public Printer", so as to make the section read:

Sec. 9. Every payment made for the Federal Register shall be covered into the Treasury as a miscellaneous receipt. The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and any other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this act shall be borne by the appropriations to the Government Printing Office, and such appropriations are hereby made available and are authorized to be increased by such additional sums as are necessary for such purposes, such increases to be based upon estimates submitted by the Public Printer. The purposes for which appropriations are available and are authorized to be made under section 10 of the act entitled "An act to establish a National Archives of the United States Government, and for other purposes" (48 Stat. 1122), are enlarged to cover the additional duties placed upon the National Archives Establishment by the provisions of this act. Copies of the Federal Register mailed by the Government shall be entitled to the free use of the United States mails in the same manner as the official mail of the executive departments of the Government. The cost of mailing the Federal Register to officers and employees of Federal agencies in foreign countries shall be borne by the respective agencies.

The amendment was agreed to.

has expired and this bill continues that privilege. This bill was passed by unanimous consent in the House. Every patriotic organization and the American Legion and Veterans of Foreign Wars have supported it. It is a humane act due to the veterans who served in the World War.

Mr. SNELL. This bill has passed the House and the Senate and the gentleman is asking to agree to the Senate amendments?

Mr. DICKSTEIN. Yes. The Senate feels they ought to get more time and clean them all up.

Mr. SNELL. How much is it extended?

Mr. DICKSTEIN. One year.

Mr. BLANTON. Reserving the right to object, that is 1 year in addition to the House provision?

Mr. DICKSTEIN. Yes.

Mr. BLANTON. How many will this effect?

Mr. DICKSTEIN. I do not think there will be more than several thousand.

Mr. BLANTON. How many thousand?

Mr. DICKSTEIN. About two or three, I think.

Mr. BLANTON. Does it limit it to those who served in combat service in France?

Mr. DICKSTEIN. It limits it to those who served in our war.

Mr. BLANTON. To those who actually had combat service in France?

Mr. DICKSTEIN. That is true.

Mr. BLANTON. It does not permit aliens who did only a few months uniform service to have this privilege?

Mr. DICKSTEIN. I do not believe that. If the gentleman will remember—

Mr. RANKIN. Mr. Speaker, for the time being I am going to object. I think this ought to be looked into a little more carefully.

The SPEAKER. The gentleman from Mississippi objects.

NATURALIZATION OF CERTAIN RESIDENT ALIEN WORLD WAR VETERANS
Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2508) to authorize naturalization of certain resident alien World War veterans.

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

Mr. RANKIN. Mr. Speaker, reserving the right to object, I want to say to the House that there has been too much of this frittering away of our immigration laws. From this time on no bill which affects immigration and naturalization in this country is going to be taken up and passed without due consideration if I can prevent. I object, Mr. Speaker.

INTERSTATE COMPACTS

Mr. TOBEY. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

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

There was no objection.

Mr. TOBEY. Mr. Speaker, the Federal Constitution makes provision for the adoption of interstate compacts between States in various portions of the country on legislation pertaining to that section.

The recent decisions of the Supreme Court have focused attention upon the possibility of utilizing such compacts to enact legislation in the interest of labor, industry, and agriculture.

It is my pleasure today to introduce in this House such a compact embracing the New England States, New York, and Pennsylvania.

A meeting was held in Concord, N. H., a year ago and signed by the representatives of those States. These signatures made the compact an accomplished fact. It has now been ratified by the Legislatures of Massachusetts and New Hampshire, and when and if it shall be adopted by the Congress, it will become law. It will be the first interstate compact on labor legislation in the country. This compact, in the last analysis, provides uniform standards for conditions of employment, particularly with regard to the minimum wage.

Senator WALSH in the Senate and I in the House have today introduced this legislation, and I count it a privilege and an honor to so do in behalf of my State.

CENTRAL STATISTICS BOARD

Mr. HARLAN, from the Committee on Rules, presented the following report (Rept. No. 1165) on the bill (H. R. 7590) to create a Central Statistical Committee, Central Statistical Board, etc., for printing in the Record:

House Resolution 249

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 7590, "a bill to create a Central Statistical Committee and a Central Statistical Board, etc." That after general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on Expenditures in the Executive Departments, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendments the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit, with or without instructions.

CUSTODY OF FEDERAL PROCLAMATIONS, ORDERS, REGULATIONS, ETC.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6323) to provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. SUMNERS of Texas, CELLER, and PERKINS.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

Mr. VINSON of Georgia (when the Committee on Naval Affairs was called). Mr. Speaker, I think it pertinent to call to the attention of the House that the Committee on Naval Affairs is asking consideration of three bills—S. 1611, H. R. 5532, and H. R. 5730.

EXCHANGE OF LANDS BETWEEN RICHMOND, FREDERICKSBURG & POTOMAC RAILROAD CO. AND UNITED STATES AT QUANTICO, VA.

Mr. VINSON of Georgia. Mr. Speaker, I call up the bill (S. 1611) to authorize an exchange of lands between the Richmond, Fredericksburg & Potomac Railroad Co. and the United States at Quantico, Va. I ask unanimous consent that the same may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized on behalf of the United States to accept from the Richmond, Fredericksburg & Potomac Railroad Co., a corporation of the State of Virginia, free from all encumbrances and without cost to the United States, all right, title, and interest in fee simple in and to the following lands, together with all the right, title, and interest in and to the platted streets and riparian rights in Quantico Creek as may attach to the lots conveyed in subsection (a):

(a) Lots nos. 21, 22, 23, 38, 39, 51, 58, 59, 72, and 85 in the town of Carborough, county of Prince William, State of Virginia, as shown on the original plat filed with the condemnation of the above lots by the Potomac Railroad Co., that lie to the east of a line drawn 100 feet east from and parallel to the present center line of the Richmond, Fredericksburg & Potomac Railroad Co., purchased from the Potomac & Manassas Railroad Co. by deed dated August 15, 1871, recorded January 1, 1872, in the clerk's office of Prince William County in deed book no. 28, page 452, excepting therefrom that portion of lot no. 22, sold by the Potomac Railroad Co. to J. W. Norton by deed dated November 24, 1883, recorded in the clerk's office, Prince William County, on December 8, 1883, in deed book no. 34, page 424, which portion is more particularly designated and described as lot no. 22-A on plan marked "V. D. 41-4, R. F. & P. R. R. Co. Proposed exchange of lands at

moves in commerce in a constant and continuous current in which that which moves in interstate commerce is commingled with that which moves in interstate or foreign commerce and directly affects it, so that such regulation of commerce as is herein authorized is essential to the regulation of commerce in petroleum among the several States and with foreign nations.

The second section of the bill is formal consent of Congress to the interstate compact executed at Dallas, February 16.

Section 3 establishes in the Interior Department the Petroleum Administrative Board of five members, at \$9,000 a year for 6 years, their terms being staggered so that appointments of part of the Board may be made each 2 years. The authority of this Board is very positively limited by the bill. It is directed to make studies for the benefit of the industry as well as to encourage the discovery and orderly development of new sources of supply. The Board is authorized to approve voluntary agreements for the development of fields or pools where it finds, after hearing, that such agreements will protect interstate or foreign commerce, prevent waste, or aid in providing for the support and maintenance of the Army and Navy. It is also authorized to approve voluntary industrial agreements which may be presented to it by the Petroleum Advisory Committee to be nominated from the industry by the President. This committee is authorized to hold meetings and conferences of members in the industry to formulate these agreements which will make possible competition of others with the producing, refining, and marketing units of integrated organizations.

Scientific determination of the reasonable market demand for petroleum in this country is to be made by the Board after impartial consideration of all appropriate data, and also of that part of such demand which properly belongs to each producing State, furnishing this information to the proper State regulatory authorities, or where there is no such authority, making further determinations as to the reasonable market demand for crude from any source of supply in such a State, provided that in such determinations there should be no unreasonable discrimination in favor of any one common source of supply against another, and that these determinations are based on equitable and ratable takings of each producer from a common source.

When necessary to protect interstate commerce and prevent waste, because of excessive production in any State over the reasonable market demand from that State, the Board is authorized to propose quotas for movement in commerce.

The bill strikes out the expiration date of the Connally hot-oil bill.

In section 9, imports are definitely limited by the bill to 4.5 percent of the market demand. Reckoning periods are set up covering the 4 quarters of the calendar year. At such reckoning periods the Board is authorized to establish quotas for the various importers, these quotas not to increase the normal importation ratio of particular products to the aggregate of crude and other products imported except in case of a shortage in the domestic supply of such product. The limitation on such imports is to continue until 1940, or until such time as the total domestic production plus this percentage of market demand permitted to imports shall be insufficient to meet the demand in this country, in which case the Board is directed to increase the proportion allowed to such imports to the amount necessary to provide for such deficiency.

Sections 10, 11, and 12 provide for court review, enforcement of regulations by United States district courts, and impose penalties of \$2,000 or 6 months' imprisonment, or both. Section 13 authorizes the formulation of voluntary industrial agreements through the industrial advisory committee which is set up in the industry. The remainder of the bill covers the separability provisions, definitions, and authorization of appropriation.

BIRTHDAY OF BRIG. GEN. AARON SIMON DAGGETT

Mr. WALSH. Mr. President, I submit a resolution, which I send to the desk and ask for its immediate consideration. The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 151) was read, as follows:

Whereas Brig. Gen. Aaron Simon Daggett, United States Army, retired, celebrates his ninety-eighth birthday on June 14, 1935; and

Whereas General Daggett is the oldest officer on the retired list of the United States Army, the oldest officer who served during the Civil War and the Spanish-American War; and

Whereas Gen. Aaron Simon Daggett, who was born at Green Corner, Maine, June 14, 1837, and who enlisted as a private in Company E of the Fifth Maine Volunteer Infantry on April 27, 1861, served throughout the Civil War, attaining the rank of lieutenant colonel, participated in 18 battles of the Civil War, was twice wounded, and thrice commended for gallant and meritorious service during the Civil War; and

Whereas General Daggett served during the Spanish-American War and participated in the battle at San Juan, Cuba, in July 1898, and later participated in the Philippines in the battles at Imus River and Bacoor; and

Whereas he later served as a colonel of the Fourteenth Infantry in China and was recommended for gallantry in the Battle of Yangtsun; and

Whereas although all the allied troops participating in the suppression of the Boxer Rebellion endeavored to be the first to reach and scale Peking's "Chinese city" wall and open the massive gates from within, this feat was accomplished by troops

of the Fourteenth Infantry, commanded by then Colonel Daggett, who, with his troops, was also the first of the allies to enter the imperial city and who had command of the "forbidden city (innermost and most holy)" within his grasp when General Chaffee's order to cease firing was received; and

Whereas the military record of Gen. Aaron Simon Daggett will forever serve as an inspiring influence to American youth, instilling in them the quality of patriotism and the desire to freely and voluntarily serve in the defense of their country: Therefore be it

Resolved, That the United States Senate hereby felicitates and congratulates Gen. Aaron Simon Daggett on his ninety-eighth birthday and acknowledges with gratitude the distinguished, patriotic service which he has rendered to his country; and be it further

Resolved, That a copy of this resolution be appropriately inscribed and presented to General Daggett by the Secretary of the Senate.

Mr. WALSH. The language of the resolution sets forth its objective. It congratulates General Daggett upon his birthday and the distinguished service he has rendered to the country. He is the oldest living retired Army officer in America. A similar resolution passed the House of Representatives today. I ask for the adoption of the resolution.

The resolution was considered by unanimous consent and agreed to.

The preamble was agreed to.

CUSTODY OF FEDERAL DOCUMENTS

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6323) to provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BARKLEY. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BARKLEY, Mr. MCKELLAR, and Mr. NORDECK conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the House had passed the bill (S. 1611) to authorize an exchange of lands between the Richmond, Fredericksburg & Potomac Railroad Co. and the United States at Quantico, Va., with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 2756) authorizing the Tlingit and Haida Indians of Alaska to bring suit in the United States Court of Claims, and conferring jurisdiction upon said court to hear, examine, adjudicate, and enter judgment upon any and all claims which said Indians may have, or claim to have, against the United States, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7982) to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, and certain other acts relating to game and other wildlife administered by the Department of Agriculture, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7160) to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JONES, Mr. FULMER, and Mr. HOPE were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R.

Calendar No. 1032, being the joint resolution (S. J. Res. 99) to regulate the issuance of passports to American citizens in time of war; and

Calendar No. 1033, being the joint resolution (S. J. Res. 100) to prohibit the extension of credits and the issuance of foreign loans under certain conditions.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS INTRODUCED

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

By Mr. WHEELER:

A bill (S. 3238) to provide compensation for disability or death resulting from injury to employees of contractors on public buildings and public works; to the Committee on Education and Labor.

By Mr. COPELAND:

A bill (S. 3239) to amend the Emergency Relief Appropriation Act of 1935; to the Committee on Appropriations.

By Mr. BYRD:

A bill (S. 3240) for the relief of Bernard F. Hickey; to the Committee on Claims.

By Mr. BAILEY:

A bill (S. 3241) authorizing adjustment of the claims of F. L. Forbes, John L. Abbot, and the Ralph Sollitt & Sons Construction Co. (with accompanying papers); to the Committee on Claims.

By Mr. WALSH:

A bill (S. 3242) for the relief of Homer R. Stickney; to the Committee on Military Affairs.

By Mr. FRAZIER:

A bill (S. 3243) for the relief of the Indians of the Fort Berthold Reservation, N. Dak. to the Committee on Indian Affairs.

AGRICULTURAL ADJUSTMENT ADMINISTRATION—AMENDMENTS

Mr. LEWIS, Mr. BURKE, and Mr. JOHNSON each submitted an amendment intended to be proposed by them, respectively, to the bill (H. R. 8492) to amend the Agricultural Adjustment Act, and for other purposes, which were severally ordered to lie on the table and to be printed.

MIXED CLAIMS COMMISSION, UNITED STATES AND GERMANY

Mr. COPELAND submitted the following resolution (S. Res. 168), which was referred to the Committee on Foreign Relations.

Whereas in response to Senate Resolution No. 181, agreed to on June 8, 1932, a report from the Secretary of State on the character and estimated amount of the claims of American nationals against the Government of Germany filed with the Department of State, between June 30, 1923, and June 8, 1932, disclosed that 2,138 notices of claim had been filed having an estimated value of \$5,495,000, exclusive of interest; and

Whereas several hundred additional claims of American nationals against the Government of Germany have been notified to the Department of State since June 8, 1932; and

Whereas in future negotiations with the Government of Germany for the settlement of these claims and for the information of the Congress, it is desirable that a survey be made of the additional claims notified to the Department of State since June 8, 1932, in order that a more accurate estimate may be stated as to the total amount to be claimed of the Government of Germany: Therefore be it

Resolved, That the Secretary of State be, and he is hereby, directed to transmit to the agent of the United States, before the Mixed Claims Commission, United States and Germany, all claims and notices of claims of American nationals against the Government of Germany, under the treaty of Berlin of August 25, 1921, filed in the Department of State between June 8, 1932, and the date of the passage of this resolution.

That the agent of the United States, Mixed Claims Commission, United States and Germany, shall examine all of the claims and notices of claims filed in the agency of the United States and/or in the Department of State by American nationals against the Government of Germany, to determine the character and amount of such claims under the decisions of the Mixed Claims Commission, United States and Germany, heretofore rendered under the treaty of Berlin, of August 25, 1921, and the principles of international law applicable thereto.

That the agent of the United States, Mixed Claims Commission, United States and Germany, be, and is hereby, instructed to prepare and transmit within 15 days after the passage of this resolution a report setting forth as nearly as may be ascertained from the documents now on file the character and amount of the additional claims, and notices of claims, of American nationals against the Government of Germany, filed between June 8, 1932, and the date of the passage of this resolution.

RETIREMENT OF ACTING ASSISTANT SURGEONS OF THE NAVY

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 883) directing the retirement of acting assistant surgeons of the United States Navy at the age of 64 years, which were, on page 1, line 5, to strike out "64" and insert "70";

And to amend the title so as to read: "An act directing the retirement of acting assistant surgeons of the United States Navy at the age of 70 years."

Mr. WALSH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

CUSTODY OF FEDERAL PROCLAMATIONS, ORDERS, ETC.—CONFERENCE REPORT

Mr. BARKLEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6323) to provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof, 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 amendments of the Senate nos. 1, 2, 3, 4, and 5, and agree to the same.

ALBEN W. BARKLEY,
KENNETH MCKELLAR,
PETER NORBECK,

Managers on the part of the Senate.

HATTON W. SUMNERS,
EMANUEL CELLER,
RANDOLPH PERKINS,

Managers on the part of the House.

The report was agreed to.

STATEMENT BY FRANKLIN W. FORT ON GOLD-CLAUSE BILL

Mr. BARBOUR. Mr. President, I ask unanimous consent to have printed in the RECORD a very able and informative statement made on July 11, 1935, by Hon. Franklin W. Fort, of New Jersey, before the Committee on Banking and Currency of the House of Representatives, of which body he was for a number of years a distinguished Member. This statement refers to the so-called "gold clause" bill now before the Congress, to withdraw from the citizenry of the United States their right to bring suit against their Government.

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

From olden times the right of the sovereign to be immune from suit has been recognized, but as enlightenment and democracy spread government after government found means of making it possible for its citizens to secure their just dues even from the sovereign.

In this country until 1855 claims against the Government were heard and their propriety determined by the Congress, which appropriated or not, as it saw fit, treating each case as it pleased. This led to scandals and abuses and to an enormous burden upon the Members of the Congress in the handling of private bills. So in 1855 Congress itself set up the Court of Claims as the forum in which all suits against the Government of the United States on contracts might be heard and determined. When the Court of Claims finds a judgment against the United States the judgment can be paid only out of moneys appropriated by Congress for that purpose. Twice since the institution of the court Congress has exercised its right of refusing to pay such a judgment.

In March 1935 the Supreme Court of the United States handed down its decision in the so-called "gold-clause cases"; 8 of the 9 justices agreeing that Public Resolution No. 10, of June 5, 1933, was unconstitutional and void, but 5 of the 9 justices agreeing in an opinion that inability of the plaintiff to prove damages barred any recovery against the United States.

On June 27 the President sent a special message to the Congress, pointing out that danger existed, that the Government might be held to answer in heavy damages for its action in refusing to pay in gold its obligations which promised such payment. He therefore urged the Congress to make it impossible for the courts to award any such damages by repealing the laws which now permit any citizen recourse to the courts on the obligations of the Government. On June 28 the chairman of this committee introduced House Joint Resolution 339, which purports to carry out the purposes of the President's message, namely, to prevent the Government being mulcted in heavy damages for its failure to pay gold.

Before proceeding to the discussion of this resolution, Mr. Chairman, I want to make it clear that the respect I personally feel for you, based on our years of association in the House, renders me certain that the language of the resolution is not your choice, but that, as is the practice too often, the reso-