

The PRESIDING OFFICER. The clerk will state the nominations.

SELECTIVE SERVICE SYSTEM

The legislative clerk read the nomination of Raymond M. Lancaster to be fiscal accountant, national headquarters, Selective Service System.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. BARKLEY. I ask that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Army nominations are confirmed en bloc.

Mr. BARKLEY. I ask that the President be immediately notified of all nominations this day confirmed.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. HOEY in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

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

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. CONNALLY, from the Committee on Foreign Relations:

Bernard M. Baruch, of New York, to be the representative of the United States on the United Nations Commission on Atomic Energy.

By Mr. MCKELLAR, from the Committee on Post Offices and Post Roads:
Sundry postmasters.

LEGISLATIVE SESSION

Mr. BARKLEY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

AMENDMENT OF FAIR LABOR STANDARDS ACT

The Senate resumed consideration of the bill (S. 1349) to provide for the amendment of the Fair Labor Standards Act of 1938, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Mexico [Mr. HATCH] to the so-called Pepper amendment.

Mr. WHEERY. Mr. President, there is so much confusion in the Senate Chamber that we cannot all hear what business is being transacted. What is the question now pending before the Senate?

The PRESIDING OFFICER. The Senate having resumed the consideration of legislative business, the pending question is the amendment offered by the Senator from New Mexico [Mr. HATCH] to the so-called Pepper amendment to Senate bill 1349.

Mr. BARKLEY. Mr. President, obviously we cannot resume the considera-

tion of the bill at this late hour. The Senator from Colorado [Mr. JOHNSON] wishes to have a conference report considered, and there is another conference report ready for consideration.

BROADCASTING OF NONCOMMERCIAL CULTURAL OR EDUCATIONAL PROGRAMS—CONFERENCE REPORT

Mr. JOHNSON of Colorado submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 63) to amend the Communications Act of 1934, as amended, so as to prohibit interference with the broadcasting of noncommercial cultural or educational programs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: "That title V of the Communications Act of 1934, as amended, is amended by inserting after section 505 thereof the following new section:

"COERCIVE PRACTICES AFFECTING BROADCASTING

"Sec. 506. (a) It shall be unlawful, by the use or express or implied threat of the use of force, violence, intimidation, or duress, or by the use or express or implied threat of the use of other means, to coerce, compel or constrain or attempt to coerce, compel, or constrain a licensee—

"(1) to employ or agree to employ, in connection with the conduct of the broadcasting business of such licensee, any person or persons in excess of the number of employees needed by such licensee to perform actual services; or

"(2) to pay or give or agree to pay or give any money or other thing of value in lieu of giving, or on account of failure to give, employment to any person or persons, in connection with the conduct of the broadcasting business of such licensee, in excess of the number of employees needed by such licensee to perform actual services; or

"(3) to pay or agree to pay more than once for services performed in connection with the conduct of the broadcasting business of such licensee; or

"(4) to pay or give or agree to pay or give any money or other thing of value for services, in connection with the conduct of the broadcasting business of such licensee, which are not to be performed; or

"(5) to refrain, or agree to refrain, from broadcasting or from permitting the broadcasting of a noncommercial educational or cultural program in connection with which the participants receive no money or other thing of value for their services, other than their actual expenses, and such licensee neither pays nor gives any money or other thing of value for the privilege of broadcasting such program nor receives any money or other thing of value on account of the broadcasting of such program; or

"(6) to refrain, or agree to refrain, from broadcasting or permitting the broadcasting of any radio communication originating outside the United States.

"(b) It shall be unlawful, by the use or express or implied threat of the use of force, violence, intimidation or duress, or by the use or express or implied threat of the use of other means, to coerce, compel or constrain or attempt to coerce, compel or constrain a licensee or any other person—

"(1) to pay or agree to pay any exaction for the privilege of, or on account of, producing, preparing, manufacturing, selling, buying, renting, operating, using, or maintaining recordings, transcriptions, or me-

chanical, chemical, or electrical reproductions, or any other articles, equipment, machines, or materials, used or intended to be used in broadcasting or in the production, preparation, performance, or presentation of a program or programs for broadcasting; or

"(2) to accede to or impose any restriction upon such production, preparation, manufacture, sale, purchase, rental, operation, use, or maintenance, if such restriction is for the purpose of preventing or limiting the use of such articles, equipment, machines, or materials in broadcasting or in the production, preparation, performance, or presentation of a program or programs for broadcasting; or

"(3) to pay or agree to pay any exaction on account of the broadcasting, by means of recordings or transcriptions, of a program previously broadcast, payment having been made, or agreed to be made, for the services actually rendered in the performance of such program.

"(c) The provisions of subsection (a) or (b) of this section shall not be held to make unlawful the enforcement or attempted enforcement, by means lawfully employed, of any contract right heretofore or hereafter existing or of any legal obligation heretofore or hereafter incurred or assumed.

"(d) Whoever willfully violates any provision of subsection (a) or (b) of this section shall, upon conviction thereof, be punished by imprisonment for not more than one year or by a fine of not more than \$1,000, or both.

"(e) As used in this section the term "licensee" includes the owner or owners, and the person or persons having control or management, of the radio station in respect of which a station license was granted."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

E. C. JOHNSON,
JAMES M. TUNNELL,
FRANCIS J. MYERS,
WALLACE H. WHITE, Jr.,
WARREN R. AUSTIN,

Managers on the Part of the Senate.

CLARENCE F. LEA,
A. L. BULWINKLE,
OREN HARRIS,
CARROLL REECE,
CLARENCE J. BROWN,

Managers on the Part of the House.

Mr. JOHNSON of Colorado. Mr. President, the report was unanimous.

Mr. LANGER. Mr. President, I object to the conference report being considered at this time.

Mr. JOHNSON of Colorado. Does the Senator object to the conference report?

Mr. LANGER. I object to its being considered at this late hour, 20 minutes after 5.

Mr. JOHNSON of Colorado. Does the Senator have any objection to this particular conference report? I did not ask unanimous consent for the consideration of the conference report. A conference report is a privileged matter. We have been waiting for several days while the nomination of Commodore Vardaman was being debated.

Mr. LANGER. I hope the Senator from Colorado will tell us what the conference report provides.

Mr. JOHNSON of Colorado. It is a report on the so-called Petrillo bill.

Mr. LANGER. I should like to know what the conferees agreed to.

Mr. BARKLEY. If the Senator will yield, this is a privileged matter. If objection is made to the unanimous-consent request, the Senator from Colorado

can move to take it up, as a matter of privilege.

The PRESIDING OFFICER. As the Chair understands, no objection has yet been made.

Mr. JOHNSON of Colorado. I wish to be courteous to my friend, and tell him that the conference committee adopted pretty largely the House amendment to Senate bill 63. Senate bill 63 was introduced by the Senator from Michigan [Mr. VANDENBERG], and when it went to the House the House amended it. The conference committee, by a unanimous vote, practically adopted the House language. We made a few minor changes in the House language.

Mr. LANGER. May I ask how it differs from the original Vandenberg bill?

Mr. JOHNSON of Colorado. It is much broader in scope than the original Vandenberg bill.

Mr. WHITE. Mr. President, I think it is a fair statement to say that the conference report embodies all the principles and purposes of the original Vandenberg bill. It is substantially changed in form, but there is practically no change in substance. It seeks to make unlawful only certain coercive acts which are brought about by threat, intimidation, and duress. As the Senator has stated, the bill passed the House, where the vote was 186 to 16, I believe. It has the unanimous approval of the Senate conferees, and I hope the Senator from North Dakota will feel justified in permitting it to be agreed to at this time.

Mr. MORSE obtained the floor.

Mr. AIKEN. Mr. President—
The PRESIDENT pro tempore. The Senator from Oregon has been recognized.

Mr. AIKEN. I wish to ask the Senator from Colorado a question.

Mr. MORSE. I am glad to yield to the Senator from Vermont. I simply wished to say that two Senators spoke to me about the conference report today, stating that they thought the subject ought to be thoroughly considered. I have not had an opportunity to go into it. If the present proposal requires unanimous consent, I shall object. If the Senator from Colorado will bring the matter up tomorrow, I assure him that in the meantime I shall satisfy myself in regard to it. If unanimous consent is required at this time, I object.

Mr. BARKLEY. Unanimous consent is not required.

The PRESIDENT pro tempore. A motion is in order.

Mr. BARKLEY. I believe that it is agreeable to the Senator from Colorado to let the report go over until tomorrow if Senators wish to look into it further.

Mr. MORSE. My present thought is that I shall favor the report. However, in view of the fact that two other Senators spoke to me specifically about it today, stating that they thought there were some features of it which ought to be investigated, I should like to join them this evening in a discussion of it.

Mr. JOHNSON of Colorado. There is no objection to that. It is not so vital that it must be acted on tonight. I shall be glad to let it go over and act on it tomorrow.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. RUSSELL. Will the matter which is going over until tomorrow displace the unfinished business?

Mr. BARKLEY. No. It is a privileged matter. A motion could be made at any time. However, I think it is fair to say that the Senator from Colorado will not attempt to displace the unfinished business, at least until later in the day, if it has not been disposed of by that time.

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. PEPPER. What is the pending motion?

Mr. BARKLEY. There is no motion pending. I was about to make a motion to take a recess, but I withhold it. We have been discussing the proposed consideration of a conference report, which has gone over until tomorrow. Inquiry was made as to the pending business, which is the minimum-wage bill.

Mr. PEPPER. I think it is the hope of a great many Senators—I know it is the hope of our able leader—that the pending wage bill can be disposed of tomorrow.

Mr. BARKLEY. I share that hope. It has been delayed 3 days because of the executive business of the Senate. I hope it may be disposed of tomorrow.

Mr. BALL. May I inquire of the Senator from Colorado whether a printed copy of the conference report is available?

The PRESIDENT pro tempore. It has been printed as a House report.

Mr. JOHNSON of Colorado. It will be printed in the Record.

AMENDMENT OF FAIR LABOR STANDARDS ACT

The Senate resumed consideration of the bill (S. 1349) to provide for the amendment of the Fair Labor Standards Act of 1938, and for other purposes.

Mr. ELLENDER. Mr. President, I send to the desk, on behalf of myself, the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Minnesota [Mr. BALL], and the Senator from Ohio [Mr. TAFT] an amendment to the proposed Pepper amendment.

The PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

Mr. HATCH. Mr. President, the Chair has stated that the pending business before the Senate is the amendment offered by me to the so-called Pepper amendment. It is a matter of common knowledge that efforts have been made by various Senators to arrive at some agreement upon the minimum-wage bill. That is an end which we all hope will be shortly attained, and we hope that the bill will be disposed of tomorrow. In order that that end may perhaps be furthered, but without abandoning the purpose, perhaps, to offer the amendment in modified form later, at this time I withdraw the pending amendment.

The PRESIDENT pro tempore. The amendment of the Senator from New Mexico is withdrawn.

Mr. CORDON. Mr. President, I send to the desk two amendments intended to be proposed by me to the pending bill. I ask that the amendments be printed and lie on the table.

The PRESIDENT pro tempore. The amendments will be received, printed, and lie on the table.

Mr. ELLENDER. Mr. President, a few moments ago I sent to the desk an amendment intended to be proposed by me. I now offer the amendment, and ask that it be stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from Louisiana will be stated.

The Chief Clerk read the amendment, as follows:

Amendment proposed by Mr. ELLENDER (for himself, Mr. FULBRIGHT, Mr. BALL, and Mr. TAFT) to the amendment proposed by Mr. PEPPER (for himself, Mr. MURRAY, Mr. TUNNELL, Mr. WALSH, Mr. THOMAS of Utah, Mr. HILL, Mr. CHAVEZ, Mr. GUFFEY, Mr. LA FOLLETTE, Mr. AIKEN, and Mr. MORSE) to the committee amendment to the bill (S. 1349) to provide for the amendment of the Fair Labor Standards Act of 1938, and for other purposes: On page 1 of said amendment, beginning with line 3, strike out down to and including line 17 on page 2 and in lieu thereof insert the following:

"Sec. 5. (a) Effective upon the expiration of 6 months after the effective date of this act, section 6 (a) of the act is amended by striking out all of such subsection through the figure '(5)' in the last paragraph and inserting in lieu thereof the following:

"Sec. 6. (a) Every employer shall pay to each of his employees who is engaged in commerce or in the production of goods for commerce wages at the following rates—

"(1) not less than 60 cents an hour.

"(2) in the case of employees in Puerto Rico or in the Virgin Islands, not less than the rate (not in excess of 60 cents an hour) prescribed in the applicable order of the Administrator issued under section 8.

"(3) "

Mr. PEPPER. Mr. President, I give notice, in connection with that amendment, that I shall insist that the amendment be modified so as to strike out section 10 of the pending bill as well as sections 2 to 9. The reason I do so is that section 10 in the pending bill changes the principle of law relative to liquidated damages and substitutes a statute of limitations. That was done largely, however, Mr. President, as an acquiescence to those who opposed a number of the stronger measures which the committee put into the bill.

The Ellender-Ball amendment has for its purpose the deletion of everything in the bill except the wage-scale section. Perhaps there will be a compromise about the figures of the wage scale. I am sure that the Senator from Louisiana and his associates in offering the amendment would not wish to strike out a portion of the amendment to the pending law, and leave only the portion which was unfriendly to labor—in other words, the concessions made against labor by the committee itself. I think that upon reflection the Senator would be willing at least to modify his amendment and strike out everything except the wage section of the pending bill, so that the only ques-