

Order 9835 shall be conducted in accordance with the rules of evidence prescribed in the Federal rules of criminal procedure; to the Committee on Post Office and Civil Service.

By Mr. GRANT:

H. J. Res. 354. Joint resolution designating Farmers Day; to the Committee on the Judiciary.

By Mr. KEE:

H. J. Res. 355. Joint resolution to alleviate suffering and assist in reconstruction of earthquake-devastated areas in Ecuador; to the Committee on Foreign Affairs.

By Mr. DAWSON:

H. Res. 364. Resolution providing that funds made available out of the contingent fund of the House by House Resolutions 88, 127, and 252 to the Committee on Expenditures in the Executive Departments shall also be available for expenses incurred outside the continental limits of the United States; to the Committee on House Administration.

By Mr. MORTON:

H. Res. 365. Resolution creating a select committee to conduct a study and investigation of the problems of the government of organizations dealing with labor; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Alabama, relative to Senate Joint Resolution 103, a joint resolution urging the enactment of legislation establishing a national day emphasizing the paramount importance of agriculture, to be known as Farmers Day; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT:

H. R. 6221. A bill to authorize the sale of certain public lands in Alaska to the This-Side-of-Heaven Children's Home for use as a children's home; to the Committee on Public Lands.

H. R. 6222. A bill for the relief of R. J. Scheuerman, Daniel Fuller, W. Hardesty, and John M. Ward; to the Committee on the Judiciary.

By Mr. CAVALCANTE:

H. R. 6223. A bill to record the lawful admission to the United States for permanent resident of James Ermini; to the Committee on the Judiciary.

By Mr. FLOOD:

H. R. 6224. A bill for the relief of Mozart Rottman; to the Committee on the Judiciary.

By Mr. HALE:

H. R. 6225. A bill for the relief of Mrs. Aimee Hoyninger-Huene; to the Committee on the Judiciary.

By Mr. HOFFMAN of Illinois:

H. R. 6226. A bill for the relief of Mrs. Nora Lewis; to the Committee on the Judiciary.

H. R. 6227. A bill for the relief of Nicholas Eugenios Christofalos; to the Committee on the Judiciary.

By Mr. MURRAY of Tennessee:

H. R. 6228. A bill for the relief of Dr. Chao-Jen Chen, Dr. Janet Wang Chen, Eleanor Chen; to the Committee on the Judiciary.

By Mr. POULSON:

H. R. 6229. A bill for the relief of Luis Eduardo Equizabal; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1499. By Mr. HOPE: Petition of Norman L. Bass, of Hoisington, Kans., and others, requesting that Congress take further steps to curtail communism and to increase under the world recovery plan the shipping of agricultural products, food, and clothing to all needy and Christian countries; to the Committee on Foreign Affairs.

1500. By Mr. DOYLE: Petition signed by Mrs. C. D. Rasmussen, together with 42 residents of Long Beach, Calif., requesting passage of the bill H. R. 2428 (S. 1847) to prohibit the transportation of alcoholic-beverage advertising in interstate commerce and the broadcasting of alcoholic-beverage advertising over the radio; to the Committee on Interstate and Foreign Commerce.

1501. By Mr. RICH: Petition of McKean County (Pa.) Medical Society, urging the Congress of the United States to refrain from imposing upon the citizens of the Nation any form of compulsory health insurance or any system of medical care designed for national bureaucratic control; to the Committee on Interstate and Foreign Commerce.

1502. By Mr. SADLAK: Resolution adopted by the Columbian Federation of New Britain, Conn., consisting of 35 Italian-American societies and clubs with a membership of 15,000 Italo-American citizens, urging support in the final disposition of Italian colonies by returning the former colonies to Italy; to the Committee on Foreign Affairs.

1503. By the SPEAKER: Petition of C. Chambers and others, Orlando, Fla., requesting passage of House bills 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1504. Also, petition of T. S. Kinney and others, Orlando, Fla., requesting passage of House bills 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1505. Also, petition of Bertha Miller and others, Orlando, Fla., requesting passage of House bills 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1506. Also, petition of W. T. Winter and others, Jacksonville, Fla., requesting passage of House bills 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1507. Also, petition of Mrs. John Linserman and others, St. Petersburg, Fla., requesting passage of House bills 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

SENATE

TUESDAY, SEPTEMBER 27, 1949

(Legislative day of Saturday, September 3, 1949)

The Senate met, in executive session, at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, bowing for a hallowed moment at this shrine of Thy grace we acknowledge before Thee that our lives are like restless pools. We are disturbed by the social turmoil of our times, burdened by many anxieties, tempted to cynicism by human cruelty

and tyranny, often disheartened by human folly which seems to profit so little by bitter reaping. We would lay our problems and tasks before Thee, not to escape them but praying for Thy empowering so that with strength and courage we may carry them with a new gallantry. In a divided and violent world make us among those whom the generations to come shall call blessed, because our records shall write our names among today's peacemakers. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. CONNALLY, and by unanimous consent, the reading of the Journal of the proceedings of Monday, September 26, 1949, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had passed a bill (H. R. 6034) to provide for the establishment of a veterans' hospital for Negro veterans at the birthplace of Booker T. Washington in Franklin County, Va., in which it requested the concurrence of the Senate.

LEAVE OF ABSENCE

On request of Mr. FERGUSON, and by unanimous consent, Mr. VANDENBERG was granted indefinite leave of absence.

NOMINATION OF W. WALTON BUTTERWORTH TO BE ASSISTANT SECRETARY OF STATE

The VICE PRESIDENT. The question is, Will the Senate advise and consent to the nomination of W. Walton Butterworth to be Assistant Secretary of State? Under the unanimous-consent agreement, the time between now and 1 o'clock is divided equally, to be controlled by the Senator from Texas [Mr. CONNALLY] and the Senator from California [Mr. KNOWLAND].

Mr. KNOWLAND. I yield 10 minutes to the senior Senator from New Hampshire [Mr. BRIDGES].

The VICE PRESIDENT. The Senator from New Hampshire is recognized for 10 minutes.

Mr. BRIDGES. Mr. President, I shall vote against the confirmation of W. Walton Butterworth to be an Assistant Secretary of State of the United States.

By the nomination of Mr. Butterworth, the President of the United States and those who advise him regarding the men who should direct our relations with the other nations of the world stubbornly continue to darken the pages of American diplomacy.

I refer, Mr. President, to the complete failure of American diplomacy in China.

I refer, Mr. President, to the inescapable truth that the Government of the United States must shamefully but forthrightly plead guilty to much of the blame for the tragic fact that China is today largely Communist controlled.

It would take hours to relate the whole China story and our Government's vacillating role in it. I do not attempt to relate the whole story but only a few of the high lights with Mr. Butterworth's significant association with them.

Mr. President, when history writes the final chapter regarding the struggle between the forces of free China and Chinese Communists, I have no doubt it will state the conclusion that free China lost its fight right here in Washington. Our Government can seek now to dodge the blame if it chooses but it cannot destroy the accumulated facts which make up the indictment.

The United States emerged from World War II not only the victor in history's most bitter conflict but also as the nation to which all free peoples looked for continuing leadership toward a better world. We have exercised that leadership with credit in some respects.

We early recognized that Russia—a nation we befriended when her back was to the wall because we thought she would use her strength for peace—was reverting to her plan for world domination by the forces of Communist slavery. Free peoples everywhere were given new courage by our alertness. But what has happened?

We have used our money and our resources effectively against the spread of communism in the western area of the world, and, generally speaking, we have done a good job. At the same time we have refused effective aid in the Far East. Opinion is growing that perhaps the reason for such great progress for freedom in the west is the decision of the Kremlin to concentrate its drive in the east. In any event, China, in large part, has fallen to Communist control, and the security of America is threatened from the rear.

Mr. President, what gave such impetus to the Communist drive in China? The foremost factor has been the persistent refusal of the Department of State and the President to extend effective aid to free China, and especially when free China was in a position to use such aid to her own advantage and toward the better safety of our country. Even after the Congress of the United States acted by legislating a China-aid program the Executive and his departments for some reason did not follow through in time.

The United States Government went so far as to try to force free China into an alliance with Communist China. Our Government went so far as to insist that free China form a coalition government to include China's Communist leaders. The President of the United States and our Department of State were convinced, it seems, that Chinese Communists represented only some harmless agrarian movement which would inure to the benefit of China and the free world. Even after men serving under the direction of the Joint Chiefs of Staff identified Chinese Communists as direct agents of Moscow our Department of State refused to recognize the truth.

Our Government persisted in its blindness throughout the China crisis and by its refusal to act gave encouragement to Communist domination of the eastern area of the world. There is no question at all now, Mr. President, that Communist conquest of China has been directed from Moscow. There is no question at all now, Mr. President, whether Chinese Communists are an agrarian force or a totalitarian dictatorship. There is no

question at all now, Mr. President, that we failed free China, our friend, and by our inaction have helped to establish in China a government which looks upon America and the rest of the free world through the eyes of Moscow.

I do not wish to deal in personalities today. I am merely pointing to the pattern and now want to ask one simple question. Should those who have been associated with America's blundering attitude toward China be promoted?

Mr. President, when the United States is at war and a general of one of our armies fails miserably in an assignment, he is relieved of his command. If a general imperils the safety and security of his troops and country unduly, if he fails to measure up to the kind of leadership victory requires, he is stripped of his authority to lead. There is no pussyfooting, no hesitation. Certainly there is no promotion to a higher position from which he can endanger his country to an even greater degree.

Apparently our Department of State has a different standard of action. We are in the cold war, Mr. President. Whether we win the cold war and establish peace and security for the United States depends upon the intelligence, ability, and courage of those who represent our Government in the Department of State and the Foreign Service. Upon our victory in the cold war depends the future security of the American people and free peoples everywhere in the world. The stakes are just as high as they are in years of armed conflict. We cannot afford to gamble with men who have been a part of a tragic failure. The Senate may go along, Mr. President, but I certainly shall not do so.

I have no objection to Mr. Butterworth on personal grounds. But I am shocked by the American failure of which he is a symbol. Where has Mr. Butterworth been as the United States Government has blundered its way to complete diplomatic defeat in China, Mr. President? He has been either in China itself or at the Department of State in charge of far-eastern affairs, or of other affairs, in the Department. Through all of these war and postwar years Mr. Butterworth has been in day-to-day contact with the Chinese problem. To what degree he is personally responsible for the advice which has resulted in our mistakes in China, almost unceasing, I do not know. But I do know that America has not heard him speak out against the policy of the Government.

As I see it, Mr. President, this is an opportunity for the Senate of the United States to express itself against America's failures in the delicate field of foreign policy. This is an opportunity for the Senate to say to the world that it is shocked by our Government's vacillation toward a problem upon the solution of which might well depend the future of our civilization.

I am not condemning Mr. Butterworth as a person but rather as a symbol of a policy which has failed. I want to make very clear, Mr. President, that I make a differentiation and distinction between Mr. Butterworth as a person and as a symbol. He is a symbol of the tragic fall of free China. Confirmed by the Senate

as an Assistant Secretary of State, he can be little else but a symbol of our Government's intention to continue to close its eyes to the darkness which has fallen over the East and from which the clouds of war may move on even to us.

I am opposed to this symbol of failure and blindness and darkness. I am opposed to promoting a man whose record so far as the Senate knows is void of objection to a policy which has helped establish in China a kind of government and life completely antagonistic to everything in which I believe.

Mr. CONNALLY. Mr. President, I yield 10 minutes to the Senator from Louisiana [Mr. ELLENDER].

The VICE PRESIDENT. The Senator from Louisiana is recognized for 10 minutes.

Mr. ELLENDER. Mr. President, the Senate so far has heard from two of the main opponents of Mr. Butterworth, and nothing has been said or even intimated that would reflect against the character, the ability, or the Americanism of the nominee. The only indictment made against Mr. Butterworth by my distinguished friend the Senator from New Hampshire, who has just spoken, stands as a symbol of the policy which has developed in China and therefore he should be denied confirmation. He has in no way connected Mr. Butterworth with deeds or acts that would show him to be responsible for conditions now existing in China.

My good friend the Senator from California [Mr. KNOWLAND] who spoke yesterday, stated that his objection to Mr. Butterworth stems from the fact that, and I quote from his speech:

He has occupied a position of responsibility in dealing with far-eastern affairs at a time when our American policy was following a course leading to disaster for the people of China and perhaps ultimately for the people of the United States.

I wish to say that my good friend is in error in making that statement, for the simple reason that the policy respecting China had been decided upon long before Mr. Butterworth ever set foot in Nanking. I am glad the Senator from California absolved my friend Mr. Butterworth, after reading a letter from Mr. Hurley wherein Mr. Hurley had blamed many of the so-called career diplomats for the condition in China. I quote from his speech on the subject:

To be fair, I want to make clear that Mr. Butterworth did not arrive in China until the Hurley mission had been completed.

Mr. Butterworth was appointed to his assignment in China 2 years after General Marshall had been there. As I will point out later, General Marshall was the guiding hand in the establishment of our policy in China soon after VJ-day. Since the general relinquished his post in China, he was made Secretary of State and I am wondering why the attack now being made against Mr. Butterworth was not lodged against General Marshall instead. It does not seem just to make of the nominee, a career diplomat, a whipping boy of our China policy.

What was Mr. Butterworth's connection with General Marshall at the time General Marshall was in China? Mr.

Butterworth arrived in Shanghai in May 1946, as I stated a while ago, and proceeded direct to Nanking, to which the Embassy had recently been moved from Chungking. He was not attached to General Marshall's mediatory mission and did not participate in the negotiations connected with that mediatory effort. He was assigned to China for the purpose of taking immediate charge of the Embassy, and it was in fulfillment of these duties that he served as Minister-Counselor during his assignment in China. He was instructed in July 1947 to return to the United States for consultation. After a period of consultation, and the usual leave of absence, he became, on instructions of the Secretary of State, Director of the Office of Far Eastern Affairs on September 15, 1947.

Mr. Butterworth remained in China a little more than a year, and for my good friends now to put the whole responsibility of the Chinese policy on his shoulders is simply to use him as a scapegoat.

Mr. President, I wish to say a few words about the nominee and how he grew up in the atmosphere of diplomacy. I have known Dr. Butterworth, the father of this young man, for more than 40 years, and a finer man has never lived. He is a prominent child specialist and has been practicing in New Orleans for many, many years. His son, the nominee, grew to manhood in most advantageous surroundings.

Mr. Butterworth was born in New Orleans, La., on September 7, 1903, and attended the New Orleans Academy and the Lawrenceville Preparatory School, Lawrenceville, N. J. He received a cum laude degree from Princeton University in 1925 and subsequently attended Oxford University as a Rhodes scholar, where he remained for 2 years. Having passed the examinations for the Foreign Service, he entered the Service as a vice consul on May 17, 1928.

In terms of types and posts of assignments, Mr. Butterworth's career has been typical of the professional Foreign Service officer; in terms of the standards of performance, he is, without question, one of the best officers the Service has produced. As a junior officer he performed the myriad administrative and consular duties required of newcomers of the Service. However, his marked flair for reporting on commercial and political activities, his acumen in handling of negotiations on politico-economic matters and his capacity for representational work were quickly recognized by the Department and led to important assignments in the economic and political fields at a relatively early age. Mr. Butterworth has served at Singapore, Ottawa, London, Lisbon, Madrid, and Nanking. Prior to his Nanking assignment he was in Madrid, and had been there for some time, and had absolutely nothing to do with what was developing or what was happening in China, as I previously stated.

Mr. Butterworth's first assignment in the Service was that of vice consul at Singapore where he performed the usual duties of a junior officer in the consular service and began to acquire a considerable reputation as a reporter on commercial matters. His superior officers at

Ottawa, his next post of assignment, confirmed the earlier estimate of his capacity in economic and political reporting. The excellence of his performance at these posts and his educational background led to his assignment as secretary at the Embassy in London in December of 1933.

Mr. Butterworth remained in the London Embassy for 7 years. His work on financial and economic problems brought him numerous commendations. It might be worth noting that the Secretary of the Treasury gave Mr. Butterworth a great deal of praise for his analyses of the financial situation, the authenticity of his information, and the reliability of his reports. His reporting was characterized by the Secretary of the Treasury as "indispensable."

In addition to his reporting, Mr. Butterworth had opportunity to prove his competence in politico-economic negotiation. His success in negotiating a cotton-rubber agreement with the British in 1940, the first major stock-piling arrangement effected by this Government, brought him special commendation from Secretary Hull. During the early days of the war he made many valuable contributions in negotiations with the British Ministries of Supply and Economic Warfare and Treasury in connection with raw materials required by the United States.

In April of 1941, after 12 years of overseas service, Mr. Butterworth was loaned to the Department of Commerce as special assistant to the Secretary. Here his work with the Federal Loan Agency and the Board of Economic Warfare brought him special commendations. His record led to his selection as the representative of the United States Commercial Company to Portugal and Spain, which post he assumed in June of 1942.

In the latter assignment, Mr. Butterworth was responsible for negotiations for the exchange of commodities between the United States and Spain and Portugal. Upon the successful completion of this mission, a mission most vital to our war effort, Mr. Butterworth was assigned in April 1944 to the Madrid Embassy as counselor, which was then the only United States Embassy on the continent of Europe and a key post due to the presence of the Germans in the Pyrenees. His work as Chargé d'Affaires during the Ambassador's absence confirmed his reputation as one of the outstanding officers of the Service.

Mr. Butterworth's next assignment was that of counselor of embassy of Nanking, where he arrived in May 1946. He assumed immediate charge of the Embassy and played a decisive role in bringing to a successful conclusion the negotiations for a treaty of friendship, commerce, and navigation which reaffirmed the rights of Americans and their property in China, and which was ratified by the Senate last year. His performance of this most difficult job during one of the most critical periods of China's history so impressed Secretary Marshall that he was brought back to the Department and appointed in September 1947 as Director of the Office of Far Eastern Affairs, a position which he occupies at present.

Throughout the course of an extraordinarily successful career Mr. Butterworth continued to impress his colleagues, superiors, and other governmental officials with his earnestness, loyalty, business acumen, and political sagacity. As a senior officer of the Department he was called upon to advise the Secretary of State from time to time, and, to the extent his advice was accepted, he can be said to have played a part in the formulation of our foreign policy. However, his final responsibility, and one he discharged well, was in the implementation of the policy decided upon, whatever its nature.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. CONNALLY. Mr. President, I yield two additional minutes to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a biography of Mr. Butterworth.

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

Butterworth, W. Walton: born New Orleans, La., September 7, 1903; Lawrenceville preparatory school graduate; Princeton University, B. A. 1925; University of Dijon, France, summer 1925; Rhodes scholar, Worcester College, Oxford University, 1925-27; applied Foreign Service officer unclassified and vice consul of career May 17, 1928; assigned to the Foreign Service School May 24, 1928; vice consul at Singapore January 18, 1929; Foreign Service officer at Ottawa July 15, 1932; secretary in the Diplomatic Service July 16, 1932; third secretary at Ottawa July 22, 1932; at London December 5, 1933; class 8, July 1, 1934; consul January 22, 1935; special representative of Treasury Department for Stabilization Fund Operations 1935-41; class 7 and second secretary at London, April 1, 1936; class 6, May 1, 1938; class 5, March 1, 1940; to the Department February 18, 1941; detailed to the Department of Commerce April 11, 1941; member, Advisory Commission on Trade Policy in Relation to the Lend-Lease Program, 1942; class 4, June 1, 1942; second secretary at Lisbon and Madrid June 4, 1942; director general in charge of operations, United States Commercial Company in Spain and Portugal, June 4, 1942, to March 28, 1944; first secretary at Lisbon and Madrid, July 29, 1942; member of staff, North African Economic Board, Algiers, May 1943, counselor of embassy at Madrid, March 28, 1944; class 3, July 16, 1944; class 2, August 13, 1945; counselor of embassy at Chungking, January 2, 1946; with the personal rank of ministers, January 8, 1946; at Nanking, April 1, 1946; Foreign Service officer of class 2, November 13, 1946; class 1, May 15, 1947; to the Department August 6, 1947; director, Office of Far Eastern Affairs, September 15, 1947; class of career minister, November 10, 1947; married.

Mr. ELLENDER. Mr. President, my good friends the Senator from California [Mr. KNOWLAND] and the Senator from New Hampshire [Mr. BRIDGES] have placed on the shoulders of Mr. Butterworth much of the responsibility for our China policy. I believe that the letter of transmittal from the Secretary of State to the President, dated July 30, 1949, of the so-called white paper demonstrates that this condition in China started many years before Mr. Butterworth ever came on the scene. I ask unanimous consent to have printed in the RECORD at this

point as a part of my remarks a quotation from the letter of transmittal, beginning on page X and ending at the bottom of page XI of the volume which I have before me, entitled "United States Relations With China."

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

When peace came the United States was confronted with three possible alternatives in China: (1) it could have pulled out lock, stock and barrel; (2) it could have intervened militarily on a major scale to assist the Nationalists to destroy the Communists; (3) it could, while assisting the Nationalists to assert their authority over as much of China as possible, endeavor to avoid a civil war by working for a compromise between the two sides.

The first alternative would, and I believe American public opinion at the time so felt, have represented an abandonment of our international responsibilities and of our traditional policy of friendship for China before we had made a determined effort to be of assistance. The second alternative policy, while it may look attractive theoretically and in retrospect, was wholly impracticable. The Nationalists had been unable to destroy the Communists during the 10 years before the war. Now after the war the Nationalists were, as indicated above, weakened, demoralized, and unpopular. They had quickly dissipated their popular support and prestige in the areas liberated from the Japanese by the conduct of their civil and military officials. The Communists on the other hand were much stronger than they had ever been and were in control of most of North China. Because of the ineffectiveness of the Nationalist forces which was later to be tragically demonstrated, the Communists probably could have been dislodged only by American arms. It is obvious that the American people would not have sanctioned such a colossal commitment of our armies in 1945 or later. We therefore came to the third alternative policy whereunder we faced the facts of the situation and attempted to assist in working out a *modus vivendi* which would avert civil war but nevertheless preserve and even increase the influence of the National Government.

As the record shows, it was the Chinese National Government itself which, prior to General Hurley's mission, had taken steps to arrive at a working agreement with the Communists. As early as September 1943 in addressing the Kuomintang Central Executive Committee, the Generalissimo said, "We should clearly recognize that the Communist problem is a purely political problem and should be solved by political means." He repeated this view on several occasions. Comprehensive negotiations between representatives of the Government and of the Communists, dealing with both military cooperation and civil administration, were opened in Sian in May 1944. These negotiations, in which Ambassador Hurley later assisted at the invitation of both parties between August 1944 and September 1945, continued intermittently during a year and a half without producing conclusive results and culminated in a comprehensive series of agreements on basic points on October 11, 1945, after Ambassador Hurley's departure from China and before General Marshall's arrival. Meanwhile, however, clashes between the armed forces of the two groups were increasing and were jeopardizing the fulfillment of the agreements. The danger of wide-spread civil war, unless the negotiations could promptly be brought to a successful conclusion, was critical. It was under these circumstances that General Marshall left on his mission to China at the end of 1945.

As the account of General Marshall's mission and the subsequent years in chapters

V and VI of the underlying record reveals, our policy at that time was inspired by the two objectives of bringing peace to China under conditions which would permit stable government and progress along democratic lines, and of assisting the National Government to establish its authority over as wide areas of China as possible. As the event proved, the first objective was unrealizable because neither side desired it to succeed: the Communists because they refused to accept conditions which would weaken their freedom to proceed with what remained consistently their aim, the communization of all China; the Nationalists because they cherished the illusion, in spite of repeated advice to the contrary from our military representatives, that they could destroy the Communists by force of arms.

The second objective of assisting the National Government, however, we pursued vigorously from 1945 to 1949. The National Government was the recognized government of a friendly power. Our friendship, and our right under international law alike, called for aid to the Government instead of to the Communists who were seeking to subvert and overthrow it. The extent of our aid to Nationalist China is set forth in detail in chapters V, VI, VII and VIII of the record and need not be repeated here. The National Government had in 1945, and maintained until the early fall of 1948, a marked superiority in manpower and armament over their rivals. Indeed during that period, thanks very largely to our aid in transporting, arming, and supplying their forces, they extended their control over a large part of North China and Manchuria. By the time General Marshall left China at the beginning of 1947, the Nationalists were apparently at the very peak of their military successes and territorial expansion. The following year and a half revealed, however, that their seeming strength was illusory and that their victories were built on sand.

Mr. ELLENDER. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point as a part of my remarks another excerpt from the same letter, beginning at the bottom of page XV and ending near the top of page XVI.

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

It has been urged that relatively small amounts of additional aid—military and economic—to the National Government would have enabled it to destroy communism in China. The most trustworthy military, economic, and political information available to our Government does not bear out this view.

A realistic appraisal of conditions in China, past and present, leads to the conclusion that the only alternative open to the United States was full-scale intervention in behalf of a government which had lost the confidence of its own troops and its own people. Such intervention would have required the expenditure of even greater sums than have been fruitlessly spent thus far, the command of Nationalist armies by American officers, and the probable participation of American armed forces—land, sea, and air—in the resulting war. Intervention of such a scope and magnitude would have been resented by the mass of the Chinese people, would have diametrically reversed our historic policy, and would have been condemned by the American people.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks some correspondence between the then Ambassador, J. Leighton Stuart, and the State Department, regarding the Chinese situation. One might be able to

trace the origin of all this difficulty in China from this correspondence. I ask that excerpts from Ambassador Stuart's telegram of July 30, 1948, be printed in the RECORD at this point, beginning on page 277 of the volume to which I have referred, and ending at the top of page 278.

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

We can be quite certain that no amount of military advice or material from us will bring unity and peace to China unless indeed there are reforms sufficiently drastic to win back popular confidence and esteem. That these could even be attempted by those now in power or that the improvements could be rapid and radical enough to reverse the prevailing attitude is scarcely to be hoped for. But without this assurance the intention to give increased military aid ought to be carefully considered in all its implications. Even under the most hopeful conditions such aid would probably require some 2 years or more from next January to accomplish its objective in view of the basic necessity of training new divisions and of recovering lost territory and morale.

Mr. ELLENDER. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point as a part of my remarks excerpts from the State Department's telegram to Ambassador Stuart, in October 1948, appearing at the bottom of page 282 and the top of page 283 of the volume to which I have referred; also at the bottom of page 283, and continuing on page 284.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Your report of August 10 states there is no longer faith that the present Government can bring a return to an even bearable standard of living without some radical reorganization; that without the Generalissimo disintegration seems inevitable, yet long experience with him suggests that he is no longer capable of changing and reforming or discarding inefficient associates in favor of competent ones; that one would expect the Government to clutch at any means of improving the situation but it ignores competent military advice and fails to take advantage of military opportunities offered, due in a large part to the fact that the Government and the military leadership continue to deteriorate as the Generalissimo selects men on the basis of personal reliability rather than military competence; and that there is awareness of the desperate military situation yet no evidence of the will or capability to cope with it.

In your report of August 20 you state that General Barr's advice to the Generalissimo on specific problems arising from the conduct of current military operations has in general been ignored and that the grave difficulties encountered by General Barr in the accomplishment of his mission originate entirely in the failure of the Chinese high command to perform its functions.

Recent Nationalist military reverses support the foregoing picture. Tsingtao's report of October 1 states that the majority of Government troops at Tsinan did not want to fight, while those that did fight found their position made impossible by the disaffected, and that the Government forces at Tsinan had ample ammunition and food, and assurance of further supplies in the event of a protracted siege. Mukden's report of October 19 gives a similar picture of the fall of Chinchow, stating that the early collapse of

Chinchow's defenses was caused by the defection of two divisions of the Government's Ninety-third Army. The fall of Changchun was similarly aided by the defection of Government units. In each case the fall of the cities was reportedly accompanied by the loss of considerable quantities of military matériel through the defection and surrender of sizable numbers of Government troops.

In summary, adoption of a course of increased aid would violate all basic considerations underlying American policy toward China, would involve the United States directly in China's civil war, would commit this Government to underwriting the Chinese Government militarily and economically at a cost which it would be impossible to estimate at a time when the United States has heavy commitments throughout the world in connection with foreign-aid programs and would not, in the light of appraisals of the situation submitted by the Embassy and consular offices in China over a period of several months, achieve its avowed objectives.

Mr. ELLENDER. Mr. President, I also ask to have printed in the RECORD at this point as a part of my remarks excerpts from Secretary Marshall's statement to the Committees on Foreign Affairs and Foreign Relations in executive session, on February 20, 1948.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Considering the military aspects of the problem it was clear from VJ-day in 1945 that the Chinese Government was confronted by a military situation which made it, in the opinion of virtually every American authority, impossible to conquer the Communist armies by force.

We have had many proposals for this Government to support the Chinese military program. That is easy to say, but extraordinarily difficult and dangerous to do. It involves obligations and responsibilities on the part of this Government which I am convinced the American people would never knowingly accept. We cannot escape the fact that the deliberate entry of this country into the armed effort in China involves possible consequences in which the financial cost, though tremendous, would be insignificant when compared to the other liabilities inevitably involved.

All of the foregoing means, at least to me, that a great deal must be done by the Chinese authorities themselves—and that nobody else can do it for them—if that Government is to maintain itself against the Communist forces and agrarian policies. It also means that our Government must be exceedingly careful that it does not become committed to a policy involving the absorption of its resources to an unpredictable extent once the obligations are assumed of a direct responsibility for the conduct of civil war in China or for the Chinese economy, or both.

We must be prepared to face the possibility that the present Chinese Government may not be successful in maintaining itself against the Communist forces or other opposition that may arise in China. Yet, from the foregoing, it can only be concluded that the present Government evidently cannot reduce the Chinese Communists to a completely negligible factor in China. To achieve that objective in the immediate future it would be necessary for the United States to underwrite the Chinese Government's military effort, on a wide and probably constantly increasing scale, as well as the Chinese economy. The United States would have

to be prepared virtually to take over the Chinese Government and administer its economic, military, and governmental affairs.

Strong Chinese sensibilities regarding infringement of China's sovereignty, the intense feeling of nationalism among all Chinese and the unavailability of qualified American personnel in the large numbers required argue strongly against attempting any such solution. It would be impossible to estimate the final cost of a course of action of this magnitude. It certainly would be a continuing operation for a long time to come. It would involve this Government in a continuing commitment from which it would practically be impossible to withdraw, and it would very probably involve grave consequences to this Nation by making of China an arena of international conflict. An attempt to underwrite the Chinese economy and the Chinese Government's military effort represents a burden on the United States economy and a military responsibility which I cannot recommend as a course of action for this Government.

At present the Chinese Government is not only weak but is lacking in self-discipline and inspiration. There is little evidence that these conditions can be basically corrected by foreign aid. In these circumstances, any large-scale United States effort to assist the Chinese Government to oppose the Communists would most probably degenerate into a direct United States undertaking and responsibility, involving the commitment of sizable forces and resources over an indefinite period. Such a dissipation of United States resources would inevitably play into the hands of the Russians, or would provoke a reaction which could possibly, even probably, lead to another Spanish type of revolution or general hostilities.

In these circumstances, the costs of an all-out effort to see Communist forces resisted and destroyed in China would, as indicated above, be impossible to estimate; but the magnitude of the task and the probable costs thereof would clearly be out of all proportion to the results to be obtained.

Mr. ELLENDER. I submit, Mr. President, that Mr. Butterworth should be confirmed. The excerpts that I have just had inserted in the RECORD as part of my remarks show who dictated and formulated our present China policy. Mr. Butterworth had nothing to do with the formulation of that policy. I repeat, he should not be made the scapegoat or the whipping boy of whatever policy has been established in China.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to myself.

Mr. President, I am sorry that there is not a larger attendance of Senators, because this is an important subject. I am sure that, with the many problems with which Members of the Senate have to contend, not all Senators have been able to go thoroughly through the white paper issued by the State Department. For the benefit of the country and of such Senators as may have occasion to read the CONGRESSIONAL RECORD, I think it is important that we supply the facts upon which the decisions of history can be made.

Recently there came into my hands the English edition of the International Press Correspondence, Theses and Resolutions of the Sixth World Congress of the Communist International. This was published on the 12th of December 1928. I wish to read a couple of paragraphs, because they show that the Department of State and any persons responsible for

the foreign policy of this country had ample warning as to the events which were to take place in China, and what the objectives of international communism would be.

I read from page 1672 of the official document of the World Communist Party. Paragraph 33 is as follows:

In China, the future growth of the revolution will place before the party as an immediate practical task the preparations for and carrying through of armed insurrection as the sole path to the completion of the bourgeois-democratic revolution and to the overthrow of the power of the imperialists landlords and national bourgeoisie—the power of the Kuomintang.

Under existing circumstances, characterized by the absence of a revolutionary impulse among the wide masses of the Chinese people, the general line of the party must be the struggle for the masses.

The carrying through of this line under the conditions of the strengthening of the anti-imperialist movement of a certain revival of the strike struggle and of the continuing peasant activity, demands from the party the exertion of all its strength for gathering, consolidating, and uniting the proletariat around the basis slogans of the party.

That was back in 1928. There was ample notice for the State Department and those who decide the policy of this Government.

I also wish to place in the RECORD at this point a portion of the note which this Government handed to Japan just prior to Pearl Harbor. There were several conditions relating to China in the note which we gave to Ambassador Nomura and the special Ambassador Kurusu, who was here at the time.

Paragraph 3 reads as follows:

The Government of Japan will withdraw all military, naval, air, and police forces from China and from Indochina.

Paragraph 4 reads as follows:

The Government of the United States and the Government of Japan will not support—militarily, politically, economically—any government or regime in China other than the National Government of the Republic of China with capital temporarily at Chungking.

Japan never formally answered these proposals, the answer coming, of course, with the attack upon the American battle fleet and installations at Pearl Harbor. But we thought it sufficiently important to the security of this country to risk going to war in the Pacific by handing that note to Japan, because it has been a part of our historic foreign policy since 1899, if not before that time, that the independence and security of China were of direct concern to the American people.

The able Senator from Louisiana has placed in the RECORD—and I am glad that he did—excerpts from the letter from Mr. Acheson transmitting to the President the white paper. I think we should underline several paragraphs of that letter. Reading from page XVI of the letter of transmittal, the following will be found:

The unfortunate but inescapable fact is that the ominous result of the civil war in China was beyond the control of the Government of the United States. Nothing that this country did or could have done within the reasonable limits of its capabilities

could have changed that result; nothing that was left undone by this country has contributed to it. It was the product of internal Chinese forces, forces which this country tried to influence but could not. A decision was arrived at within China, if only a decision by default.

That is hardly a statement one would expect from the leading exponent of our foreign policy—an effort to make a general disclaimer that there was nothing we could have done, because that would rather indicate that the mission of General Marshall to China was futile in its origin, which, of course, simply does not make sense.

But listen to this: Mr. Acheson says, regarding the future of China:

And however ruthlessly a major portion of this great people may be exploited by a party in the interest of a foreign imperialism, ultimately the profound civilization and the democratic individualism of China will reassert themselves and she will throw off the foreign yoke.

In other words, that is a rather belated recognition that the Communist forces in China are ruthless, that they will enslave the people of China. However, that recognition is coming very, very late in the entire process.

Finally we have this admission:

It will necessarily be influenced by the degree to which the Chinese people come to recognize that the Communist regime serves not their interests but those of Soviet Russia and the manner in which, having become aware of the facts, they react to this foreign domination.

Mr. President and Members of the Senate, this indictment is against the very Communist forces which the Secretary of State and the President of the United States directed General Marshall, good soldier that he was, to go to China and attempt to force down the throats of the government of that friendly power. This is the same Soviet-dominated Communist group which we now say will ruthlessly oppress the people of China, just as Communist groups have ruthlessly oppressed the Poles, the Czechs, the Hungarians, the Rumanians, and every other group in regard to which we have had a share of the responsibility for turning them into the hands of that type of ruthless Communist "people's democracy" police state.

Mr. President, the record is clear that we not only attempted to influence, but we attempted to force upon the Government of China the coalition with that type of police state, doctrinaire, Communist group.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. FERGUSON. I wonder whether the Senator from California will agree that the language used by the Secretary of State—namely, that in the future the Chinese may be able to throw off the yoke of Moscow or of the Kremlin—in effect is an indication that it will take another civil war in China to counteract what is happening there today.

Mr. KNOWLAND. I think the record is clear regarding the chances of any of these people, whether it be the people of Poland or of Czechoslovakia or of Latvia or of Lithuania or of Estonia or of

any other satellite country or of any country that has been absorbed by the Communists to overcome the oppressor, for when the police state controls the army, the air force, and the secret police, it is almost impossible for men once free to regain their freedom.

Mr. FERGUSON. And if they do regain it, it will have to be by way of civil war. Is that correct?

Mr. KNOWLAND. There can be no question about it.

The VICE PRESIDENT. The Senator from California has half a minute remaining.

Mr. KNOWLAND. Very well; I yield two more minutes to myself.

Mr. President, I wish to have printed in the RECORD as a part of my remarks—I shall not read it, because of the limitation of time—the statement beginning "According to the best information I can get," which is from a radio broadcast by the Senator from Maryland [Mr. TYDINGS], a distinguished member of the Democratic Party and chairman of the Armed Services Committee of the Senate of the United States. In that broadcast the Senator from Maryland took direct issue with the statements in the white paper that the Chinese Government forces and the non-Communist forces were not fighting for their very existence, and the Senator from Maryland based what he said upon information which he had received as chairman of the Armed Services Committee. I ask that that portion of his statement be printed at this point in the RECORD, as a part of my remarks.

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

Senator TYDINGS. According to the best information I can get, not only from men like Admiral Badger, but from other sources that are reliable, this has been overpublicized and exaggerated to an almost unbelievable extent. There is no doubt about it that at times Nationalist forces have surrendered to the Communists. There is no doubt about it that at times Communist forces have surrendered to the Nationalists; but to create the picture in the American mind that the Chinese Nationalists have just surrendered willy-nilly without fighting is to do the Nationalist army a great disservice in the field of truth. Quite often, some of these armies have had little or no equipment; some of these Nationalist armies have had very little in the way of ammunition. Of course, if you have nothing to fight with and are surrounded or threatened with attack, you surrender a little more quickly than if you have the means to resist. Where the Nationalist forces have had good equipment and good ammunition, they have fought with a great deal of courage and a great many sacrifices. Indeed, in some of the battles the losses have been very high on both sides, showing that this idea of the Nationalists always surrendering easily is ill-founded. It is my belief that the Nationalists, where they have been equipped, have fought pretty well, and these stories about fully equipped Nationalist forces going over to the Communists have been exaggerated out of all proportion and in most cases are totally untrue.

Mr. BLOCK. Senator, is Russia behind the Chinese Communists?

Senator TYDINGS. I don't think there's any doubt that Russia is behind them. I don't think there is any doubt that Russia is sympathetic and reasonably supporting these Communist forces. Indeed, the leaders of

the Communist forces in China have been briefed and schooled to a considerable extent in Moscow and other places in Russia and are sympathetic to the Communist doctrine. A large proportion of the masses who follow the Communist cause are not indoctrinated and simply do it because they believe they will be better off by following the Communists than they would by remaining as they are. Many of them are quickly disillusioned as soon as they see what the Communist leadership brings them.

Mr. BLOCK. With what type of arms are the Communists equipped?

Senator TYDINGS. They are mostly equipped with Japanese arms, the arms that the Japanese surrendered at the end of World War II. A good many of these Japanese arms were in those parts of China that Russia occupied right after the surrender. In addition to that, there were a good many Japanese arms scattered over other parts of China, and when Japan surrendered these fell into the hands of the Communists. It is these arms principally that the Communists are now fighting with.

Mr. BLOCK. Have there been any recent setbacks suffered by the Communists?

Senator TYDINGS. Yes; even in recent weeks. The Nationalists have taken on the Communists in southern China and have beaten them up pretty well. They have captured a considerable number of good troops from the Communists, but this is only a temporary victory. I doubt very much if the Nationalists are strong enough to resist the overwhelming numbers of the Communists who are moving into south China. But where they have met them head-on, they have given an excellent account of themselves and in many cases frustrated their advance, at least temporarily.

Mr. KNOWLAND. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, a letter which I addressed to Mr. Butterworth under date of May 6, 1949, a copy of his reply, and a copy of the memorandum which was the testimony given by General Marshall before the House Foreign Affairs Committee, wherein the question of the American embargo against arms to the Chinese National forces and the non-Communist forces of China came up. At the very time when we were exercising an embargo which helped to undermine the chances of survival of the National Government of China, the Soviet forces in Manchuria were turning over the supplies of the Japanese to the Kwan Tung Army—supplies which have been estimated to be sufficient to last an army of a million men for 10 years, and at a time when, by our various peace committees, we were letting the Communist armed forces escape from the encirclements in which the Chinese Government forces had them, and go to Manchuria to rearm themselves.

There being no objection, the letters and memorandum were ordered to be printed in the RECORD, as follows:

MAY 6, 1949.

MR. W. WALTON BUTTERWORTH,
Director for Far Eastern Affairs,
Department of State,
Washington, D. C.

DEAR MR. BUTTERWORTH: Your letter of May 2, together with the enclosed information, has been received and I wish to thank you for sending it to me.

You may rest assured that I also enjoyed the opportunity of discussing the China situation with you.

Sincerely yours,

WILLIAM F. KNOWLAND.

DEPARTMENT OF STATE,
Washington, May 2, 1949.

The Honorable WILLIAM F. KNOWLAND,
United States Senate.

MY DEAR SENATOR KNOWLAND: You may recall during our conversation at lunch with Senator SMITH on April 27 my informing Senator BREWSTER that I would supply him pertinent information regarding purchases by the Chinese Government of military matériel in the United States and the ban placed on the export of such matériel during General Marshall's mission to China. In the belief that you might find this information of interest, I am enclosing a copy of the memorandum which I am forwarding to Senator BREWSTER.

I enjoyed having an opportunity to discuss the China situation with you and hope that you will feel free to get in touch with me if I can be of any service in this regard.

Sincerely yours,

W. WALTON BUTTERWORTH,
Director of Far Eastern Affairs.

MEMORANDUM

The prohibition on the export of munitions from the United States to China was placed at a time when the truce between the armies of the Chinese Government and the Chinese Communists was breaking down and hostilities were increasing on a wide scale. In this connection Secretary Marshall's testimony before the House Committee on Foreign Affairs on February 20, 1948, is of interest. Certain portions of the testimony follow:

"Mr. VORYS. As I understand it, we had an embargo for 10 months on shipment of arms to China and then the ammunition that we did authorize to be shipped, which they purchased, has not gotten to the troops yet. Now, why is that?"

"Secretary MARSHALL. Do you mean the original embargo and then the later developments?"

"The embargo was in August 1946, and the release was in May of 1947.

"Mr. VORYS. That is about 10 months.

"Secretary MARSHALL. Yes.

"Mr. VORYS. As I understand it, the so-called Generalissimo ammunition which was authorized to be shipped has not gotten to the troops yet. I am informed that part of it had not left the United States. Now, why is that? They cannot fight without ammunition.

"Secretary MARSHALL. That is quite evident.

"This particular matter is a shipping proposition. Mr. Butterworth can give you some of the details but I can state some of the things offhand.

"In the first place, the embargo was placed in August, I think, of 1946, by me, because at that time the situation was threatening to break down entirely. The fighting in north China had been held pretty largely in abeyance since the agreements reached on January 10, 1946, except in Manchuria, where a new focus of fighting had developed.

"In the endeavor to mediate this, and prevent its spreading all over north China, we were put in the position of acting in a mediatory position on the one hand and shipping in military supplies on the other. At that time the Chinese Government had sufficient munitions for their armies and there was no embarrassment to them.

"There were incidents, such as the explosion of the dump in Shanghai, and more particularly the very heavy reported losses of munitions to the Communist forces by defeats suffered in the field by the Government forces. When the release date was given, which was effected by taking off any refusal to grant export licenses—

"Mr. VORYS (interposing). I may have used the word 'embargo' improperly.

"Secretary MARSHALL. It was, in effect, an embargo on military supplies. There were

amendments to that in relation to spare parts for airplanes, and items of that sort.

"Of course, there was a great deal that was coming in through the surplus-property transactions, to the degree that we could reach a settlement with the Chinese authorities who were negotiating the surplus-property agreements.

"Then we come to the period in May, when that export-license embargo was removed. Since that time I think there was only one important commercial contract made by the Chinese Government."

The prohibition on the export of munitions from the United States or its Pacific bases to China became effective in the United States on July 29, 1946, and in the Pacific in mid-August 1946. On October 22, 1946, the ban was modified to permit the Chinese to purchase civilian end-use items under the 8½-group program for the Chinese Air Force and on October 31, 1946, the far eastern field office of the OFLC was authorized to notify the Chinese Government that it was ready to negotiate the sale of such civilian end-use items. The Chinese informed the OFLC that they were interested in procuring these items only if eventual provision of combat items for this program was likewise assured, though the civilian end-use items would have been valuable in the maintenance and operation of transport planes and airport installations. The Chinese concluded no contracts covering these items until over a year later on November 6, 1947.

In April and May 1947, prior to the lifting of the ban on the export of arms and ammunition, the United States Marines turned over (abandoned) to Chinese Government forces in north China considerable quantities of small arms and artillery ammunition. These and similar transfers continued during the summer months until by early September approximately 6,500 tons of ammunition had been transferred at no charge to the Chinese.

On May 26, 1947, the Secretary of State directed that the prohibition on the issuance of export licenses covering the shipment of arms and ammunition be removed. On the same date the Chinese were informed that the Department would approve the sale to China of 130,000,000 rounds of surplus 7.92 rifle ammunition, and would approve applications for export licenses for transport planes and for spare parts for all equipment, including combat items previously transferred under the 8½-group program.

Subsequent to this date the Chinese on June 25, 1947, purchased the 130,000,000 rounds of 7.92 rifle ammunition for \$656,499.27 or 10 percent of procurement cost. Shipment of this ammunition was made from Seattle on July 14 and August 11, 1947.

In July 1947, the Chinese expressed a desire to purchase 43 C-47 aircraft but wanted these considered part of the 8½-group program. Since the quota of C-47's under the program had been fulfilled, the Chinese were informed that transport planes would be made available through normal surplus channels. The Chinese signed a contract with the War Assets Administration for the purchase of 150 C-46's on December 22, 1947, purchasing, for \$5,000 each, planes which had a procurement cost of \$232,000 each.

As indicated above, the contract covering civilian end-use items in the Pacific for the 8½-group program was concluded on November 6, 1947, at 12½ cents on the dollar.

On December 9, 1947, the Chinese Government signed a commercial contract for 6,500,000 rounds of .50 caliber ammunition.

On December 16, 1947, the Chinese were informed of the availability of surplus ammunition and explosives and combat matériel including combat planes for the 8½-group program. A contract was signed on January 30, 1948, for the purchase at 17½ cents on the dollar of all surplus stocks in the United States, including Hawaii, available for the 8½-group program, except combat aircraft,

which were available and were separately negotiated. (This contract was revised on March 16, 1948.) The Chinese, following negotiations with the OFLC, had concluded on January 7, 1948, an open-end contract for the purchase of all surplus ammunition in the Marianas at the nominal cost of 1 cent on the dollar.

On January 31, 1948, a contract supplementing that of November 6, 1947, was signed covering the sale of surplus combat equipment in the Pacific applicable to the 8½-group program, the ammunition component being sold at the nominal cost of 1 cent on the dollar.

On April 29 and June 11, 1948, contracts were signed covering the sale of surplus ammunition located on Hawaii.

On May 22, 1948, a contract was concluded for the sale of the surplus ammunition remaining in the Pacific and not included in previous contracts. The bulk of the ammunition covered by this contract was located at Okinawa.

Mr. KNOWLAND. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, articles from the New York Times and the New York Herald Tribune of September 24, 1949, entitled, respectively, "People's Democracy" and "China's People's Republic."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times of September 24, 1949]

"PEOPLE'S" DEMOCRACY

In announcing the framework of the Communist regime in China Mao Tze-tung and his colleagues have clung to the familiar brand of double talk. It is to be the "people's" government, the "people's" democracy, the "people's" millennium. Just where this fits into Mao's July declaration that China was to have a "democratic dictatorship" is not explained. For that matter Mao and his comrades have not bothered to enlighten the Chinese, or us, on what is democratic about a dictatorship or how those two antithetical words happened to get into one propaganda phrase in the first place.

We have had ample demonstration of the fatuous falsehood of "people's" government in eastern Europe. If the Chinese Communists are as intelligent as they are supposed to be they must know that the myth has been exploded, internationally, and that the slogans must be for internal consumption only. They may hope, however, to give some comfort to those Americans who still persist in seeing some sort of vague social revolution in the Communist military conquest of China. They are at least keeping up the front of popular rule in their nomenclature, if not in their practice.

The thesis that the mass of the Chinese populace has flocked to the support of the Communist invaders because of their disgust with the undemocratic processes of the Kuomintang cannot survive candid inspection. The mass of the Chinese populace, as such, have never supported any government since the Ming dynasty, if they did then. Government, good or bad, has been endured and ignored. The Chinese revolution that began in 1911 was a controlled movement, not a grass fire. By the same token, the Communist "revolution" has been an organized invasion, not a spontaneous revolt.

The "people's" council, called to Peiping, was not elected; it was appointed by the Communist rulers. No "people's" mandate has given authority to Mao Tze-tung, Liu Shao, or Chu Teh. They are in China as military conquerors, supported by and aligned to an external imperialism, that of the Soviet Union. They have already given ample and

vivid demonstration of what happens to the "people's" voice if it is so misguided as to be raised in opposition.

The Communist leaders in China have shown clearly enough that they are under no illusions about the popular base for their dictatorship. They have taken and are taking no chances. Rule by the "people" means rule by a tiny select coterie which, in turn, is careful to proclaim its loyalty to the Soviet Union. The fiction of "democracy" may be harmless on its face, but it is a matter of gravity whenever the "people's" regime demands recognition and so long as some Americans persist in explaining as a phenomenon of social upheaval what has been merely the triumph of well-organized, well-disciplined, and well-supplied force.

[From the New York Herald Tribune of September 24, 1949]

CHINA'S "PEOPLE'S REPUBLIC"

It is extremely interesting to note the manner in which the Chinese Communists have duplicated the proceedings of other Soviet satellites in establishing their "People's Republic of China." There is the usual tribute to Russian leadership, the usual attack on imperialism, and the usual infusion of non-Communist stooges into the governmental organization to create, if possible, the impression that here is a popular front of all progressive elements in China. One would imagine that some bureaucrat in the Kremlin had dug into a file labeled "People's Republics," brought out the standard blueprint, and telegraphed it to Mao Tse-tung (or whoever acts in his name on behalf of the Politburo) with instructions to substitute "China" wherever the name of Bulgaria, Poland, Hungary, Rumania, or Czechoslovakia appeared.

But China is not Poland or Hungary or a Balkan state, and even Yugoslavia, as the Kremlin has learned by unhappy experience, will not fit easily into a Russian pattern. Mao may go through the motions which Moscow ordains, insofar as the window-dressing of a People's Republic is concerned, but when it comes to decisions affecting the timeless way of Chinese life, the ingrained prejudices, philosophy, and aspirations of stubborn millions, the pat phrases and devices derived from Marx, by way of Lenin and Stalin, will not do. The peasant who wants land, and some peace and security in which to till it, is not an embittered intellectual or industrial worker whose imagination has been captured by the Marxist analysis of capitalism. He is not to be won to the People's Republic by a vision of collective farms or state ownership of the means of production. So Liu Shao-shi, member of the Chinese Politburo, rebuked those advanced students of Marxism at the People's Political Consultative Conference at Peiping who wished to write "the future socialism of China into the common program."

"The taking of serious Socialist steps in China," said Liu, "is a thing of the rather far future." He had no doubt that these steps would eventually be taken, but now they might cause confusion. The present program calls for governmental and military machinery, and economic, cultural, and educational policies—a rather stark case in which the dictatorship of the proletariat is summoned into existence without the socialism that ostensibly it was intended to serve.

To be sure, the Russian mujik who fought for the Bolsheviks in the Russian civil war did not realize that the land which he hoped to gain through their aid would be taken from him by them as soon as they were strong enough to do so. And that hour of strength came with uncanny speed. The same may occur in China. But the main point, so far as the world outside China is concerned, is that a Communist dictatorship, subservient to Russia, has formally

come into being in that vast extent of China which is subject to the Chinese Red forces. The chief threat to a democratic world will not come from the political changes which may take place in that ancient land, but the effectiveness with which a predatory power establishes itself in control. In that light the statements of Liu have only a short-term significance.

Mr. CONNALLY. Mr. President, I yield 10 minutes to the Senator from Arkansas [Mr. FULBRIGHT].

The VICE PRESIDENT. The Senator from Arkansas is recognized for 10 minutes.

Mr. FULBRIGHT. Mr. President, I wish to say a few words in regard to Mr. Butterworth. I hope I may clarify the situation a little.

I think the fundamental defect in the argument of the Senator from California and other Senators is that they are assuming that the policy they condemn has been made by Mr. Butterworth. I am unable to see that they have established any connection between Mr. Butterworth and the policy of which they disapprove. I do not think it is material or relevant to try to defend that policy. The fact is that Mr. Butterworth had little, if anything, to do with the policy which has been condemned so vigorously here.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. FULBRIGHT. My time is very limited, but I yield for a question.

Mr. BRIDGES. I wish to ask just one question. The Senator has said that no connection has been shown between Mr. Butterworth and the far-eastern policy. Certainly the fact that he supervised the Far Eastern Division shows a connection, does it not?

Mr. FULBRIGHT. His heading of the Far Eastern Division, began quite recently. I wish to be very specific about the timing. I think the point which has been made by the Senator from California should have been raised, if the blame is to be put where it should be, in connection with the confirmation of the nomination of the present Secretary of State or in connection with General Marshall or with some of those who were actually in charge. I want to draw particular attention to exactly what the record and experience and positions of Mr. Butterworth in recent years have been. These are the accurate records, taken recently from the Department of State's files:

He entered the Foreign Service in 1928. That early period has already been described. Although I have before me a statement regarding it, I think I shall skip over that portion.

He was assigned, shortly after the United States entered the war, as a Secretary of Embassy in both Madrid and Lisbon and as Director General of the U. S. Commercial Company, an RFC subsidiary, for the Iberian Peninsula. In this dual capacity, he was charged with the responsibility of the wartime economic and financial arrangements, including the preclusive buying of strategic materials, throughout the Iberian Peninsula. That is the one program which should be a matter of debate and inquiry here if we are chal-

lenging his ability, because that was a very important one, and, generally speaking, I think it was very well handled. He was an expert in financial matters. He had had prior experience in London.

Shortly before the invasion of Normandy, he became counselor of the Embassy at Madrid, where he remained until he was transferred to China. He proceeded to China, not via the United States, but via Suez, arriving in Shanghai in May 1946; and he proceeded directly to Nanking, where the capital had recently been moved from Chungking. He was not attached to the mediatory mission of General Marshall, who had arrived in China in December 1945. General Marshall came back to the United States for consultation in March 1946, and returned to China in April 1946. Mr. Butterworth did not participate in the negotiations connected with that mediatory effort, when the incidents took place which the Senator from California has criticized so vigorously. Mr. Butterworth had nothing whatever to do with that effort by the State Department and General Marshall.

Mr. Butterworth was in immediate charge of the Embassy, and it was in this connection that he served as Minister-Counselor during his assignment in China. He was not a policy-making man. He was not the man to whom Gen. Patrick Hurley was referring in his criticism of what went on in China. That was 2 or 3 years prior to this time. The defect in the argument of the Senator is that he is assuming a connection between Mr. Butterworth and the policies of which he disapproves. It is an effort to ascribe guilt by association. Because Mr. Butterworth later came into the picture, he is to be held responsible for everything done prior to that time in China, and during all of that time, primarily, in the Department of State.

Mr. Butterworth was instructed in 1947 to return to the United States for consultation, and after a period of consultation and leave, he became, on the instructions of the Secretary of State, Director of the Office of the Far Eastern Affairs in the Department of State, on September 15, 1947. So we find Mr. Butterworth proceeding for the first time to China in April 1946. He left there in September 1947. Prior to that time both Mr. Hurley's experience which has been described very graphically here and General Marshall's mission had occurred. In part there was overlapping, but Mr. Butterworth certainly cannot in any reasonable sense be held responsible for the effect, whatever it may have been, of General Marshall's mission.

I do not think it at all proper to try to ascribe to Mr. Butterworth the blame, if there is reason for blame, for the failure of our policy in China. During his 21 years of service, from 1928 until now, he served only about 15 months in China. His principal qualifications, his principal experience has been in the financial field, as representative of the United States Commercial Company, a subsidiary of Reconstruction Finance Corporation, in Spain, and he was the special representative of the Treasury Department for stabilization-fund operations in

London from 1935 to 1941. To ascribe to him the failure of a political policy seems to me to be completely unwarranted. There is no justification for trying to put the blame for the failure of that policy on Mr. Butterworth. As I say, of course, General Marshall is a great figure and a great general, and I suppose people hesitated to criticize him for the results in China. But if blame is to be ascribed, it certainly must be ascribed either to General Marshall or to the Department of State, which was giving him instructions. It could not be ascribed to a relatively minor official of the Department, serving as Minister-Counselor. He was not even an ambassador. I think anyone who is familiar with the present operations of our foreign service should know that the Minister-Counselor of an embassy does not determine the over-all policy. He carries out orders. The policy is determined in the Department of State, on the advice perhaps of the Ambassadors, at times, but not on the advice of the Minister-Counselor. On his record, I can see no kind of reasonable criticism that can be ascribed to him.

As a personal matter, it happens that I have known Mr. Butterworth personally since 1925. I knew him when he was in Oxford. He was an outstanding scholar, possessed of a very pleasing personality. He is what I would call one of the most genuine Americans I have ever known. To those who have not seen Mr. Butterworth, I may say he is a very fine-looking man and has a fine presence. He has none of the defects sometimes ascribed to our State Department officials, who are called the striped-pants boys, and so on. He is not a man of that kind. In fact, I can think of no other man I have known in the Department who is better qualified to be a top official in the Department of State than is Mr. Butterworth. I think it would be a great reflection upon the judgment of the Senate to single out this man, who has devoted his whole life—and a very excellent one, too—to patriotic service, and ascribe or attribute to him a policy, with the formulation of which he had absolutely nothing to do. In the one short period of 15 months, whatever he did in China was of an administrative nature. I do not think there is the slightest evidence that he was responsible for the formulation of the policy.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. FULBRIGHT. I yield.

Mr. SALTONSTALL. How responsible was Mr. Butterworth for the appointment of some of the persons in the Far Eastern Division of whom we have heard considerable criticism at various times? He was head of the Far Eastern Division from 1947 on, was he not?

Mr. FULBRIGHT. I call to the attention of the Senator the fact that the criticism I have heard from the Senator from California, related first to the period of Mr. Hurley's experience in 1943 and 1944, while Mr. Butterworth was in Lisbon and Madrid, and was occupied with his duties there. Then General

Marshall went to China. The decisions which, I think, resulted in the failure of our policy were made during the period when General Marshall was there. Mr. Butterworth entered the picture in 1947, after those decisions had been made. By that time the failure of the effort to bring about a coalition had become evident. Whether that was a good policy may be a point to argue about. I, myself, have been inclined to think the effort was a misguided one and a poor one. My only point is that Mr. Butterworth had nothing to do with the formulation of that policy. Every one of those who have been criticized so severely by Mr. Hurley and others had been appointed before Mr. Butterworth came into the Office of Far Eastern Affairs.

So, I believe, when we look at this man's education, which is of the very best, his experience and his gradual but steady advancement in the service, it would be impossible to find a better qualified or higher type of career officer in our whole Government, certainly in our Foreign Service, than is Mr. Butterworth. There has never been the slightest criticism of Mr. Butterworth personally. In the committee, in the discussion of Mr. Butterworth, the same sort of process of guilt by association was used, because the China policy had failed. Now it is argued that, he being the head and director of the Office of Far Eastern Affairs, therefore it is all his fault. What is completely overlooked is that he came into that position after the decisions were made which have resulted in a failure of our policy in that area.

I think it entirely unwarranted to bring into this picture Mr. Hurley's experience and his criticism of the Department. It took place while Mr. Butterworth was in Spain, and yet it is obvious that the only reason it was brought up here was that there was an effort to prejudice him or to leave the implication in our minds that in some way Mr. Butterworth was responsible for the conditions about which Mr. Hurley complained. I do not see that there can be any justification for an attack of that kind upon Mr. Butterworth and his qualifications for this particular position.

When we consider his all-around experience, for example, in Singapore in 1929, in Ottawa, in London, and then in Lisbon and Spain, I think we would be very hard-pressed to find a man who has had a broader experience or who is better qualified to be an Assistant Secretary of State. I know of no instance in which he has appointed an official or made a policy to which can be ascribed the sad situation in China. He came in as an administrative officer after that period. Had he been in the Far East from 1944 on, I should say his opponents might have some reason to attribute the policy to him.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SALTONSTALL. What I meant was the persons who were appointed in the Far Eastern Division. Did Mr. Butterworth make those appointments?

Mr. FULBRIGHT. I do not think he did. He has been there only since 1947.

The persons whom I have heard criticized were in that Division before 1947.

The VICE PRESIDENT. The time of the Senator from Arkansas has expired.

Mr. FULBRIGHT. I think the record is clear that both of the criticisms which have been made pertain to a policy in effect prior to Mr. Butterworth's entrance into that particular office.

Mr. KNOWLAND. Mr. President, I yield myself 5 minutes.

I think the point raised by the able Senator from Massachusetts is a good one. In the speech which I made last night I tried to make it perfectly clear that the particular criticism which Ambassador Hurley raised was not directed at Mr. Butterworth, and, in fairness, I want to make the Record perfectly clear. But I think the pertinent question which the able Senator from Massachusetts has raised is this, that for the period from 1947 until this time Mr. Butterworth has been the head of the Far Eastern Division. He has been nominated to be the Assistant Secretary of State for Far Eastern Affairs. In view of the fact that the State Department and the President have had this information from Ambassador Hurley for a period of 4 years, what steps have been taken by Mr. Butterworth, in his responsible position, to clear out of the Department those who Ambassador Hurley charged had undermined the American policy in China, and had deliberately gone against the instructions of both President Roosevelt and President Truman? So far as I know, that information has never been presented to the Senate of the United States.

Mr. President, I want to read at this time an editorial which appeared in the Washington News of September 22, 1949, which is labeled "New Red Republic":

NEW RED REPUBLIC

The Communist proclamation announcing establishment of a new "People's Republic of China" should be an occasion for rejoicing in the State Department's Office of Far Eastern Affairs, which has been working toward that end since 1944.

While unsuccessful in its efforts to persuade the United States Army to arm the Chinese Reds during the war, this Far Eastern Affairs Office succeeded in ending American assistance to the Nationalist Government.

Since then it has done everything in its power to undermine Nationalist prestige and morale. The white paper recently published by the State Department was typical.

When the Nationalist capital was moved from Nanking to Canton, Ambassador J. Leighton Stuart was left in Nanking. Then he was recalled to the United States. Minister Lewis Clark followed up by closing the Canton consulate and notifying the Chinese Foreign Office that American interests there had been transferred to the British consulate.

This was the next thing to withdrawing our recognition from the Nationalists. And it is just two steps removed from formal recognition of the new Red regime.

The Canton consulate was the oldest United States diplomatic establishment in China. Its closing was damaging to Nationalist morale at a critical moment, as it may have been intended to be. For, on his departure, Mr. Clark explained that he had information the city would be in Communist hands within a week. That was August 24, and the city hasn't fallen yet. But America added nothing to its reputation in the Far East by taking a powder in this manner while the British stayed on.

This run-out may rise to haunt us in the days to come, for the East has a long memory.

Mr. President. I wish to read to the Senate a letter which I today addressed to Secretary of State Acheson. It is as follows:

SEPTEMBER 27, 1949.

The Honorable DEAN ACHESON,
Secretary of State,
State Department,
Washington, D. C.

DEAR MR. SECRETARY: Yesterday, by telephone, my office requested from the office of Mr. Ernest A. Gross, of the State Department, that we be supplied with copies of all agreements and protocols signed at the Moscow Conference of Foreign Ministers held December 16-26, 1945.

Pursuant to this request there was sent to us the following documents:

One of these (marked by me as "A") is the radio address of Secretary of State Byrnes made at 10 p. m., eastern standard time, December 30, 1945.

The second (marked "B") is a State Department publication which contains the above-mentioned radio address, plus what is entitled "Soviet-Anglo-American Communiqué" and "Report on Moscow Meeting of Foreign Ministers."

The third document (marked "C") is entitled "Moscow Agreement, 1945," which appears to contain the same information as in Document No. B, without the Byrnes radio address.

The inquiry, which, as a Member of the Senate of the United States, I wish to address to you, is this: Are there any agreements or protocols relating to China and the Far East—

The VICE PRESIDENT. The Senator's time has expired.

Mr. KNOWLAND. I yield the remainder of my time to myself.

I continue to read from the letter to the Secretary of State:

Are there any agreements or protocols relating to China and the Far East that were agreed to or signed at the Moscow Foreign Ministers Conference December 16-26, 1945, which are not included in these documents which were furnished me by the State Department?

On page 121 of his book, *Speaking Frankly*, former Secretary of State James F. Byrnes states as follows: "Members of the staff were asked to prepare the protocol to be signed by the three Foreign Ministers. This was completed about 2:30 in the morning, and in a formal meeting there were nine copies that each of us had to sign. Mr. Bevin signed first and the papers were passed to me. After signing, I arose to say goodbye to a member of the British delegation seated near me."

I would appreciate it very much if this information could be furnished me at the earliest possible date.

With best personal regards, I remain,
Sincerely yours,

WILLIAM F. KNOWLAND.

Mr. President, in conclusion, I merely wish to say that no one has charged Mr. Butterworth alone with being responsible for our Chinese policy, but, just as he, as head of the Far Eastern Division, was entitled to take some of the credit for whatever success he may have had as the responsible head of that Division for 2 years, as a man who has been nominated to be Assistant Secretary of State for Far Eastern Affairs, he cannot escape some of the responsibility for a policy which has not only endangered all the free people of China, but may very well have endangered the peace of the world and the security of the United States.

The VICE PRESIDENT. The time of the Senator from California has expired.

Mr. CONNALLY. Mr. President. I yield 3 minutes to the Senator from Utah [Mr. THOMAS].

The VICE PRESIDENT. The Senator from Utah is recognized for 3 minutes.

Mr. THOMAS of Utah. Mr. President, I do not know Mr. Butterworth personally. I do not know the State from which he comes. My first contact with him was in connection with his appearance before the Committee on Foreign Relations. There I found him capable and thoroughly understanding. I have had experience with persons who were supposed to be experts on the Far East, for much of my lifetime, and I think I can judge men about as well as can anyone else. I think Mr. Butterworth proved that he was not only well informed, but that his judgment in regard to China's past and China's present, at that time, was extremely good. Whenever there was a technical question propounded to him he was able to answer it, and whenever there was some question dealing with the great controversy that was then going on with reference to China, he was as well informed as are most of the representatives of the State Department. As to his knowledge of communism I know nothing. I do know that his knowledge at one particular time was not so great as was that of some other persons regarding the threat of communism.

Mr. President, I shall vote for the confirmation of his nomination. I shall do so knowing that the State Department and the Secretary of State have made no mistake in entrusting to Mr. Butterworth the increased authority he is to have.

The VICE PRESIDENT. The Senator from Texas has 1 minute remaining.

Mr. CONNALLY. I had 7 minutes, and I gave 3 to the Senator from Utah.

The VICE PRESIDENT. The Chair does not think the Senator had 7 minutes.

Mr. CONNALLY. I was told by the Parliamentarian that I had 7 minutes.

The VICE PRESIDENT. The Senator from Arkansas ran over his time.

Mr. CONNALLY. I did not know that. I yielded him only so much time.

Mr. President, I cannot add anything that is of advantage to the Senate. The Senator from California does not claim that Mr. Butterworth is responsible for the policy in China. What has that policy been? To give China more than \$2,000,000,000 of the money of the people of the United States in an effort to help her. We have never taken a position of helping the Communists. General Marshall spent more than a year in China. He was not sitting at a desk in Washington; he was in China, endeavoring to help the Nationalist government. That is the reason he went there. But he was not successful in all respects.

We hear talk about General Hurley. I have nothing against General Hurley, but he left China before Butterworth went to China. The general could not have been referring to Butterworth, because Butterworth was not there when Hurley was there.

The VICE PRESIDENT. The Senator's time has expired. All time for debate has expired.

Mr. CONNALLY. Mr. President, I make the point of no quorum.

Mr. WHERRY. Mr. President, will the Senator withhold the point in order that I may address a parliamentary inquiry to the Chair?

Mr. CONNALLY. Yes; I withhold it.

Mr. WHERRY. I thank the Senator.

The VICE PRESIDENT. The Senator from Nebraska will state his inquiry.

Mr. WHERRY. Is a motion in order to recommit the nomination to the standing committee which reported it?

Mr. CONNALLY. It is not.

The VICE PRESIDENT. Under precedents which are of long standing, such a motion is not in order, and has been held so many times.

Mr. WHERRY. Is that because the unanimous-consent agreement is inviolate, and no motion can be made at this time under the unanimous-consent agreement?

The VICE PRESIDENT. The theory of the ruling seems to have been that a unanimous-consent agreement of this sort deprives Senators of the right to make such a motion at all. That is what presiding officers held for a long period of years. While the present occupant of the chair is not impressed with the logic of the original ruling, it has been followed by all presiding officers since it was made, and the present occupant of the chair is not disposed to disturb it.

Mr. WHERRY. Mr. President, in all sincerity I wish to propound another parliamentary inquiry, because I think our rules should remain inviolate if possible. If a motion to adjourn were made, would it be in order?

The VICE PRESIDENT. A motion to adjourn is theoretically always in order, but the Chair would not like to pass upon that question until such a motion were made and the Chair could consider it.

Mr. WHERRY. There is no intention on the part of the junior Senator from Nebraska to obstruct the vote, and I am not going to make the motion, but is there a difference between a motion to adjourn and any other motion any Senator might like to make, as outlined in rule XXII, if a motion could be made at this time? Is there any precedent against it?

Mr. CONNALLY. Mr. President, I make the point of order that that is speculative.

The VICE PRESIDENT. The Parliamentarian advises the Chair that some years ago a similar question arose, and that the Chair held that a motion to adjourn could not be made when the hour for voting had arrived under a unanimous-consent agreement. In one former precedent the unanimous-consent agreement to vote included the right to make a motion to recommit to the committee the matter under consideration.

Mr. WHERRY. Then, in the case of any future unanimous-consent agreement, in order to preserve the right to make a motion to recommit, or any other motion, it will be necessary to make it a part of the provisions of the unanimous-consent request?

The VICE PRESIDENT. That would seem to follow from the precedent heretofore set and all the other precedents holding that in the absence of such a provision a motion could not be made.

Mr. WHERRY. I should like to propound another parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WHERRY. Recently, on August 29 last, the junior Senator from Nebraska took the exact position which the distinguished occupant of the Chair has taken, with relation to an amendment offered by the Senator from Arkansas [Mr. McCLELLAN] to the military appropriation bill. I am quite satisfied that the distinguished occupant of the Chair will recall that at the beginning of the session I addressed a parliamentary inquiry as follows:

Inasmuch as the Senate has agreed to vote on the McClellan amendment at 2 o'clock, is a point of order good against the McClellan amendment now, since an agreement has been made to vote upon it?

The distinguished Vice President first said he thought that possibly it would not be good, but afterwards, in the colloquy which developed between the Senator from Arkansas, the Senator from Illinois, and the Senator from Nebraska, the distinguished Vice President held that a point of order could be made. An appeal was taken, the appeal was lost, and the decision stood.

My parliamentary inquiry now is, What is the difference between a point of order being made prior to vote under a unanimous-consent agreement, and a motion being made or any other parliamentary procedure being followed, in view of the fact that I interpret the observations of the distinguished occupant of the Chair to mean that the unanimous-consent agreement is inviolate, that it cannot be abridged except by another unanimous-consent agreement to set it aside.

The VICE PRESIDENT. In the case cited by the Senator the Chair held, as he recalls, that the agreement to vote at a certain hour did not prevent Senators making a point of order against an amendment. That position cannot be taken in this case, because no amendment can be offered to a nomination, which is either to be confirmed or not to be confirmed.

Mr. WHERRY. That was not the point I was making. As I understand, the point is that a motion to recommit is not in order because of the unanimous-consent agreement. The parliamentary inquiry I made was, is there a difference in value between a point of order because the right to make the point was not preserved in the unanimous-consent agreement, and the case of the so-called McClellan amendment? That is the point I am making, is there any difference?

The VICE PRESIDENT. The Chair thinks there is a difference, from a parliamentary viewpoint, between a point of order made against an amendment to a bill and a motion to recommit a nomination. The Chair thinks there is a difference, because there is no way to amend a nomination. There is no point of order that can be made against an

amendment to a nomination because no one can make such an amendment. The Chair recalls that in the case cited he held, and he still adheres to the view, that a mere agreement to vote on a bill and all amendments which might be pending or might be offered, without further debate, did not deprive a Senator of the right to make a point of order against the validity of an amendment in the first instance, and the Chair now upholds that decision.

Mr. WHERRY. So that it is the opinion of the present occupant of the chair that it is unnecessary to provide in a unanimous-consent agreement the right to make a point of order, that that goes with it, so far as amendments are concerned?

The VICE PRESIDENT. Yes.

Mr. WHERRY. But in the case of the nomination of a person, a motion to recommit is not in order?

The VICE PRESIDENT. Of course, it is always difficult and probably erroneous for a presiding officer to render decisions on speculative situations which may arise in the future. Based upon the ruling of the Chair on the occasion referred to, and the vote of the Senate to sustain the ruling, the Chair would feel that it is not necessary to include in a unanimous-consent agreement to vote at a certain hour on a bill the preservation of the right of Senators to make a point of order.

The question is, Will the Senate advise and consent to the nomination of W. Walton Butterworth to be Assistant Secretary of State?

Mr. CONNALLY. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Alken	Hill	Mundt
Anderson	Holland	Murray
Bridges	Humphrey	Myers
Butler	Ives	Neely
Byrd	Jenner	O'Connor
Cain	Johnson, Colo.	O'Mahoney
Capehart	Johnson, Tex.	Pepper
Chapman	Johnston, S. C.	Reed
Chavez	Kerr	Robertson
Connally	Kilgore	Saltonstall
Cordon	Knowland	Schoeppel
Donnell	Langer	Smith, Maine
Douglas	Long	Sparkman
Downey	Lucas	Stennis
Ecton	McCarthy	Taylor
Ellender	McClellan	Thomas, Okla.
Ferguson	McFarland	Thomas, Utah
Frear	McKellar	Tobey
Fulbright	McMahon	Watkins
George	Magnuson	Wherry
Gillette	Malone	Wiley
Green	Martin	Williams
Gurney	Maybank	Withers
Hayden	Miller	Young
Hendrickson	Millikin	
Hickenlooper		

The VICE PRESIDENT. A quorum is present.

The question is: Will the Senate advise and consent to the nomination of W. Walton Butterworth, of Louisiana, to be Assistant Secretary of State?

Mr. WHERRY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. MYERS. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. HOEY], and the Senator from Rhode

Island [Mr. LEAHY] are absent on public business.

The Senator from North Carolina [Mr. GRAHAM] is absent by leave of the Senate.

The Senator from Wyoming [Mr. HUNT], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Nevada [Mr. McCARRAN], and the Senator from Maryland [Mr. TYDINGS] are absent by leave of the Senate on official business.

The Senator from North Carolina [Mr. GRAHAM] is paired on this vote with the Senator from Ohio [Mr. BRICKER]. If present and voting, the Senator from North Carolina would vote "yea," and the Senator from Ohio would vote "nay."

The Senator from Rhode Island [Mr. LEAHY] is paired with the Senator from Maine [Mr. BREWSTER]. If present and voting, the Senator from Rhode Island would vote "yea," and the Senator from Maine would vote "nay."

I announce further that if present and voting, the Senator from Maryland [Mr. TYDINGS] would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from Connecticut [Mr. BALDWIN] is absent by leave of the Senate on official business.

The Senator from New York [Mr. DULLES], the Senator from Massachusetts [Mr. LODGE], and the Senator from Michigan [Mr. VANDENBERG] are absent by leave of the Senate.

The Senator from Ohio [Mr. BRICKER], who is absent by leave of the Senate, is paired with the Senator from North Carolina [Mr. GRAHAM]. If present and voting, the Senator from Ohio would vote "nay," and the Senator from North Carolina would vote "yea."

The Senator from New Jersey [Mr. SMITH] is absent on official business with leave of the Senate.

The Senator from Ohio [Mr. TAFT], who is necessarily absent, is paired with the Senator from Minnesota [Mr. THYE], who is absent by leave of the Senate. If present and voting, the Senator from Ohio would vote "nay," and the Senator from Minnesota would vote "yea."

The Senator from Maine [Mr. BREWSTER], who is absent by leave of the Senate, is paired with the Senator from Rhode Island [Mr. LEAHY]. If present and voting, the Senator from Maine would vote "nay," and the Senator from Rhode Island would vote "yea."

The Senator from Vermont [Mr. FLANDERS] is detained on official business.

The Senator from Oregon [Mr. MORSE] is necessarily absent.

The result was announced—yeas 49, nays 27, as follows:

YEAS—49

Alken	Holland	Myers
Anderson	Humphrey	Neely
Byrd	Johnson, Colo.	O'Connor
Chapman	Johnson, Tex.	O'Mahoney
Chavez	Johnston, S. C.	Pepper
Connally	Kerr	Robertson
Cordon	Kilgore	Smith, Maine
Douglas	Long	Sparkman
Downey	Lucas	Stennis
Ellender	McClellan	Taylor
Frear	McFarland	Thomas, Okla.
Fulbright	McKellar	Thomas, Utah
George	McMahon	Tobey
Gillette	Magnuson	Wiley
Green	Maybank	Withers
Hayden	Miller	
Hill	Murray	

NAYS—27

Bridges	Hickenlooper	Millikin
Butler	Ives	Mundt
Cain	Jenner	Reed
Capehart	Kem	Saltonstall
Donnell	Knowland	Schoeppel
Ecton	Langer	Watkins
Ferguson	McCarthy	Wherry
Gurney	Malone	Williams
Hendrickson	Martin	Young

NOT VOTING—20

Baldwin	Hoey	Russell
Brewster	Hunt	Smith, N. J.
Bricker	Kefauver	Taft
Dulles	Leahy	Thye
Eastland	Lodge	Tydings
Flanders	McCarran	Vandenberg
Graham	Morse	

So the Senate advised and consented to the nomination of W. Walton Butterworth, of Louisiana, to be Assistant Secretary of State.

The VICE PRESIDENT. Without objection, the President will be notified of the confirmation of the nomination.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. BYRD, from the Committee on Armed Services:

Maj. Gen. Alfred Maximilian Gruenther, O12242, United States Army, for appointment as Deputy Chief of Staff for Plans and Combat Operations, United States Army, with the rank of lieutenant general;

Maj. Gen. Anthony Clement McAuliffe, O12263, Army of the United States (brigadier general, U. S. Army), for appointment as Chief of the Chemical Corps, United States Army, and for appointment as major general in the Regular Army of the United States;

Edna L. Cox and sundry other persons for appointment in the Regular Army of the United States;

John S. Folawn and sundry other persons for appointment in the Regular Army of the United States;

Jim Vance Alexander and sundry other officers for promotion in the United States Air Force;

Rear Adm. Arthur H. Dearing, Medical Corps, United States Navy, for permanent appointment to the grade of rear admiral in the Medical Corps of the Navy;

Rear Adm. Clifford A. Swanson, Medical Corps, United States Navy, for temporary appointment to the grade of rear admiral in the Medical Corps of the Navy; and

Eleanor M. Bach and sundry other citizens for permanent appointment to the grade of second lieutenant in the Marine Corps.

TRANSACTION OF ROUTINE BUSINESS

The Senate resumed the consideration of legislative business.

Mr. LUCAS. Mr. President, I ask unanimous consent that Senators be permitted to introduce bills and resolutions, and submit matters for printing in the RECORD, without debate.

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

PETITION

Mr. GILLETTE presented a petition of sundry citizens of Des Moines, Walnut, Grimes, and Polk City, Iowa, all railway employees, praying for the enactment of legislation to amend the railway pension law so that it will be optional for such employees to receive their retirement annuity on reaching the age of 60 and having 20 years of railroad service or 30 years of service, regardless of age, which was referred to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAPMAN, from the Committee on Armed Services:

S. 2290. A bill to authorize an appropriation for the making of necessary improvements in the cemetery plots at the Blue Grass Ordnance Depot, Richmond, Ky.; without amendment (Rept. No. 1108).

By Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs:

H. R. 2369. A bill to authorize an appropriation to complete the International Peace Garden, North Dakota; without amendment (Rept. No. 1109).

BILL INTRODUCED

Mr. CORDON (for himself and Mr. MORSE) introduced a bill (S. 2606) to authorize the construction of a dam and dike to prevent the flow of tidal waters into Otter Slough, Douglas County, Oreg., which was read twice by its title, and referred to the Committee on Public Works.

CONVERSION OF NATIONAL BANKS—MINORITY VIEWS

Mr. DOUGLAS (for himself, Mr. TAYLOR, and Mr. FLANDERS), members of the Committee on Banking and Currency, submitted minority views on the bill (H. R. 1161) to provide for the conversion of national banking associations into and their merger or consolidation with State banks, and for other purposes, which were ordered to be printed with the majority report (No. 1104).

STABILIZATION OF PRICES OF AGRICULTURAL COMMODITIES—AMENDMENTS

Mr. AIKEN submitted amendments intended to be proposed by him to the bill (S. 2522) to stabilize prices of agricultural commodities, which were ordered to lie on the table and to be printed.

INCREASED COMPENSATION OF CERTAIN GOVERNMENT OFFICIALS — AMENDMENTS

Mr. McCLELLAN submitted amendments intended to be proposed by him to the bill (H. R. 1689) to increase rates of compensation of the heads and assistant heads of executive departments and independent agencies, which were ordered to lie on the table and to be printed.

Mr. FERGUSON submitted an amendment intended to be proposed by him to the amendment in the nature of a substitute intended to be proposed by Mr. JOHNSON of Colorado (for himself and other Senators) to House bill 1689, supra, which was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

At the end of the substitute insert the following new section:

"Sec. 8. (A) With a view to bringing the estimated Federal expenditures within estimated Federal receipts for the fiscal year ending June 30, 1950, the President is authorized and directed to make such reductions in the amounts to be expended by all agencies from any and all appropriations and funds made available prior to the expiration of the first regular session of the Eighty-first Congress, for expenditure in such fiscal year, as will in the aggregate equal not less than 5 percent nor more than 10 percent of the total amounts estimated for expenditure in the

budget for the fiscal year 1950 by all agencies, as adjusted to conform with the total amounts estimated for expenditure under appropriations and funds actually made available prior to the expiration of such session: *Provided*, That any reduction in amounts estimated for expenditure brought about as a result of reductions made by Congress in the aggregate appropriations and funds made available to any agency below the aggregate of estimates submitted in said budget (including amendments thereto) for such agency, shall be used for the purpose of computing (1) the aggregate reduction required to be made under this section, and (2) the over-all limitations specified in this section with respect to such agency; and in carrying out this section the President is requested to give appropriate consideration to reductions made by Congress in the appropriations and funds made available to any agency.

"(B) As used in this section—

"(1) The term 'appropriations and funds made available' shall include the amount of any borrowing authority estimated for in the budget for the fiscal year 1950; and

"(2) The term 'agency' means any executive department, independent establishment, or corporation which is an instrumentality of the United States.

"(C) In order to accomplish the reductions in expenditures required by this section, the President is authorized to direct any officer in the executive branch of the Government to refrain from creating, notwithstanding any other provision of law, any obligation or commitment which would require an expenditure during the fiscal year 1950, under any appropriation, fund, contract authorization, or borrowing authority over which such officer exercises administrative control, in such amounts as he may deem necessary. No such officer shall create any obligation or commitment under any borrowing authority which would require an expenditure during the fiscal year 1950 in excess of any estimate included in the budget (or in excess of any estimate under any authority included in any act of Congress enacted after the submission of the budget for the fiscal year 1950) with respect to such obligation or commitment for such fiscal year or in excess of any amount established by direction of the President under the authority contained in this section; except that the President is authorized to waive the prohibition contained in this sentence in individual cases upon the happening of some extraordinary emergency or unusual circumstance.

"(D) Such reductions shall be made in a manner calculated to bring about the greatest economy in expenditure consistent with the efficient operation of the Government.

"(E) No reduction of expenditures required herein shall have the effect of reducing by more than 20 percent the estimated expenditures by any agency from appropriations and funds made available prior to the expiration of the first regular session of the Eighty-first Congress.

"(F) The President shall cause (a) the total amounts estimated for expenditure in the fiscal year 1950 (adjusted as provided in subsection A), (b) the amount of the reduction directed by him in obligations or commitments (as provided in subsection B), and (c) the amount of the reduction in each appropriation or fund account, to be certified to the Secretary of the Treasury, and shall make a detailed quarterly report thereon to the Congress within 15 days after the expiration of each calendar quarter during such fiscal year. The amounts so certified shall not be expended, or, in the case of contract authorizations and borrowing authority, the authority shall not be exercised to the extent of the reduction. The President shall also include in the quarterly report to Congress the actual figures showing the number of

Federal employees at the beginning of the quarter and the estimated number of Federal employees at the close of the quarter."

AMENDMENT OF DISPLACED PERSONS ACT—AMENDMENT

Mr. MYERS. Mr. President, on behalf of myself and the distinguished junior Senator from Illinois [Mr. Douglas], I submit for appropriate reference an amendment intended to be proposed by us jointly, to the bill (H. R. 4567) to amend the Displaced Persons Act of 1948, as an immediate and necessary step toward an ultimate constructive solution to the so-called German ethnic expellee question.

The Displaced Persons Act, passed by the Eightieth Congress in 1948, was used as the vehicle for amending part of our existing immigration law to provide that one-half of the German and Austrian immigration quotas should be devoted to admitting into the United States political exiles of German blood from eastern Europe. The combined German and Austrian quotas available to expellees under last year's amendment totaled somewhat more than 13,000 persons annually, and after a year's experience under that law, we are forced to conclude that the hastily drawn amendment has failed almost completely to achieve the purpose for which it was designed.

Instead of issuing a thousand or so visas a month to expellees, as the law provided, somewhere around 700 expellees have reached America thus far in 1949—a fact which in itself affords convincing proof that the law has been unworkable.

We propose in our amendment, then, to make this annual quota of 13,000 persons a workable quota which will, in fact, admit that number of people. In submitting our amendment at this time, we wish to invite discussion and comment prior to calling up Senate Resolution 160 to discharge the Judiciary Committee from further consideration of H. R. 4567, the amendments to the Displaced Persons Act passed by the House of Representatives earlier this session.

Our amendment to give us a workable immigration quota for expellees is aimed at carrying forward in somewhat more express detail an intent set forth in H. R. 4567 at the time it passed in the House. Section 9 of H. R. 4567 recognizes that the expellee proviso in last year's DP Act has proven unworkable, and to alleviate the deadlock, the House provided that the contract-labor clause ordinarily applying to immigrants shall not apply in the instance of the German ethnic expellee.

Frankly, after a rather thorough investigation of the entire question, both the junior Senator from Illinois and I have reached the conclusion that the provision of the House bill does not go far enough to assure the effective use of the expellee quota.

Our amendment spells out in detail two additional and affirmative guaranties that the quota will be filled. First, that assurances of support for expellees to warrant that they will not become public charges once they have reached America can now be given by organizations instead of individuals alone, as is now the

law. This is identical to the provision in the present DP law which permits organization assurances for DP's and has proven so successful in the operation of that program during the past year under a law which has been exceedingly difficult to administer.

Our second guaranty will establish a fund amounting to approximately \$2,500,000 in the coming year with which to pay the costs of transportation for expellees from Germany or Austria to the United States. This provision, too, is comparable to that contained under the DP program whereby the International Refugee Organization is currently paying transportation costs for DP's.

Our amendment, in addition, makes several other refinements which we feel will aid in making the expellee quota effective. We are waiving, in the instance of expellees, the costs of head taxes and visas, and are providing that the administration of the expellee quota be transferred to the Displaced Persons Commission because it is our feeling that the question of the German ethnic exiles presents a problem much more closely associated with the duties of the Commission than it is with the conventional operation of our immigration program. Certainly the expellees share with DP's the common problem of being people driven from their homelands and forced to make their way as best they can in an alien land.

In connection with the studies made in drafting our amendment we have made certain that we are not opening up a loophole through which may pour Nazis, Nazi sympathizers, Communists and fellow travelers, or any other breeders of hatred, discrimination, or oppression. The administration of the expellee quota will be governed by the same screening safeguards which today are in operation in filtering out these same groups who may have accumulated in the DP camps of Europe. The safeguards have been effective, and I cannot see any reason why the identical precautions will not work equally as well in the operation of the expellee quota.

We feel strongly that the steps proposed in our amendment are essential if we are to carry out in any effective fashion the intent of the Congress last year in establishing a priority for expellees. As I have already said, our intent of last year has not been carried out, and acting now in the light of experience, we are suggesting what seems to us to be the necessary minimum to assure that expellees now eligible for admission to the United States shall in fact be permitted to get here.

This is, of course, no long-range solution to the expellee question. Much added study will be necessary but our proposal today represents something on which we can take immediate action, and is, we feel, completely compatible with the spirit and motives with which the American people have faced their responsibilities in dealing with the tremendous problems posed by millions of Europeans who have been displaced and driven into exile as a consequence of Fascist or Communist oppression.

The VICE PRESIDENT. The amendment will be received, printed, and referred to the Committee on the Judiciary.

PROTECTION AGAINST MISBRANDING AND FALSE INVOICING OF FUR PRODUCTS AND FURS—AMENDMENTS

Mr. JOHNSON of Colorado submitted amendments intended to be proposed by him to the bill (H. R. 5187) to protect consumers and others against misbranding, false advertising, and false invoicing of fur products and furs, which were referred to the Committee on Interstate and Foreign Commerce, ordered to be printed, and to be printed in the RECORD, as follows:

On page 7, beginning with the comma following "paragraph" in line 4, strike out all down to and including "processed" in line 6.

On page 8, beginning with "unless" in line 6, strike out all down to and including "processed" in line 8.

On page 9, beginning with line 9, strike out all down to and including "processed" in line 11.

HOUSE BILL REFERRED

The bill (H. R. 6034) to provide for the establishment of a veterans' hospital for Negro veterans at the birthplace of Booker T. Washington in Franklin County, Va., was read twice by its title, and referred to the Committee on Labor and Public Welfare.

SMALL BUSINESS, FAIR TRADE, AND THE FAIR DEAL—ADDRESS BY SENATOR HUMPHREY

[Mr. HUMPHREY asked and obtained leave to have printed in the RECORD an address on small business, fair trade, and the Fair Deal delivered by him before the fifty-first annual convention of the National Association of Retail Druggists, on September 22, 1949, which appears in the Appendix.]

ADDRESS BY SENATOR MARTIN AT ANNUAL CONVENTION OF NATIONAL ASSOCIATION OF STATE AUDITORS, COMPTROLLERS, AND TREASURERS

[Mr. MARTIN asked and obtained leave to have printed in the RECORD an address delivered by him at the annual convention of the National Association of State Auditors, Comptrollers, and Treasurers, at Atlantic City, N. J., on September 19, 1949, which appears in the Appendix.]

HAPPENINGS IN WASHINGTON—ADDRESS BY SENATOR MARTIN

[Mr. MARTIN asked and obtained leave to have printed in the RECORD a radio address entitled "Happenings in Washington—Program No. 8," recently delivered by him, which appears in the Appendix.]

UNITED STATES, A CHRISTIAN NATION, SHOULD MAKE ANOTHER BID FOR PEACE—ADDRESS BY SENATOR WATKINS

[Mr. WATKINS asked and obtained leave to have printed in the RECORD a radio address entitled "United States, a Christian Nation, Should Make Another Bid for Peace," delivered by him on September 25, 1949, which appears in the Appendix.]

ECONOMY IN GOVERNMENT—STATEMENT BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD a statement prepared by him on the subject of the demand by American public opinion for economy in Government, which appears in the Appendix.]

INDEPENDENCE NATIONAL HISTORICAL PARK—STATEMENT BY JAMES M. MYLES

[Mr. MYERS asked and obtained leave to have printed in the RECORD a statement by James M. Myles, vice president of the Operative Plasterers and Cement Finishers International Association of the United States and Canada, urging the full appropriation of \$4,435,000 authorized to be appropriated for Independence National Historical Park, Philadelphia, Pa., which appears in the Appendix.]

THE MEANING OF "STATISM"—ARTICLE BY JOSEPH HENRY

[Mr. MYERS asked and obtained leave to have printed in the RECORD an article entitled "Statism," written by Joe Henry and published in the Machinist for September 22, 1949, which appears in the Appendix.]

STATE OF EUROPE—ARTICLE BY ROSCOE DRUMMOND

[Mr. MYERS asked and obtained leave to have printed in the RECORD an article entitled "State of Europe—Communist Bug-a-boo Deflated," written by Roscoe Drummond and published in the Christian Science Monitor of September 24, 1949, which appears in the Appendix.]

BRITISH FARMING AS AN ECONOMIC ASSET—ARTICLE BY HARRY FERGUSON

[Mr. BUTLER asked and obtained leave to have printed in the RECORD an article entitled "British Farming as an Economic Asset," written by Harry Ferguson and published in the Washington Post of September 10, 1949, which appears in the Appendix.]

GOVERNMENT SUIT AGAINST THE GREAT ATLANTIC & PACIFIC TEA CO.—EDITORIAL COMMENT

[Mr. SALTONSTALL asked and obtained leave to have printed in the RECORD an editorial entitled "Sin of Low Prices," published in the Boston Herald of September 19, 1949, and an editorial entitled "A & P Suit" published in the Washington Post of September 26, 1949, which appear in the Appendix.]

THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION—ARTICLE FROM CHRISTIAN SCIENCE MONITOR

[Mrs. SMITH of Maine asked and obtained leave to have printed in the RECORD an article entitled "Keep Your Eye on the Turtle," written by Josaphine Ripley and published in the Christian Science Monitor of September 14, 1949, which appears in the Appendix.]

LEAKAGE OF ATOMIC-ENERGY SECRETS

[Mr. O'CONOR asked and obtained leave to have printed in the RECORD a statement by George N. Craig, national commander of the American Legion, relative to possible leakage of atomic secrets, which appears in the Appendix.]

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. CONNALLY, and by unanimous consent, the Committee on the Judiciary was authorized to meet during the session of the Senate today.

On request of Mr. NEELY, and by unanimous consent, the Committee on the District of Columbia was authorized to sit tomorrow afternoon while the Senate is in session.

OMAHA PUBLIC POWER DISTRICT—ARTICLE AND EDITORIAL FROM OMAHA WORLD HERALD

Mr. BUTLER. Mr. President, I ask unanimous consent to have printed in

the body of the RECORD a news item published in the September 26, 1949, issue of the Omaha World Herald, with reference to the fine record made by the Omaha Public Power District, together with an editorial on the same subject, from the same newspaper.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

OPPD HAILED FOR EXCELLENT MANAGEMENT—KANSAS CITY ENGINEERING FIRM GIVES VERDICT AFTER 2-YEAR STUDY

(By Emmett Curry)

One of the country's leading engineering firms declares that "management of the Omaha Public Power District is of the highest caliber."

That is one of many accolades handed to the district's directors and operating management by Burns & McDonnell, Kansas City, Mo. That company, OPPD's consulting engineers nearly 3 years, made a 2-year study of district operations for the trustee for the holders of OPPD bonds.

Burns & McDonnell found:

"Policies formulated by the directors are sound and conservative.

"Practices established by the executive division are fair, equitable, and in keeping with the standard of other well-managed utilities of equivalent scope."

COMPETENT EMPLOYEES

"With personnel obtained largely from the predecessor company, the employees are unusually competent and know their jobs well.

"Rates are adequate to assure high-grade electric service at the lowest cost commensurate with efficient and reliable operation of the system and sound management of the business.

"The management has provided for future as well as for present-day operations. The district is well insured—\$22,577,334 coverage. Its records are well kept."

Planned improvements have been endorsed by the engineering concern, which has no other interest in construction. Customers are benefiting from public ownership. Burns & McDonnell pointed out several times.

BUSINESS EFFICIENT

"Conduct of the district's business is apparently more efficient than the general utility average," the engineering concern noted. "Savings resultant from economical operation are being returned to the consumers in the form of reduced costs for electric service."

Rates were found to be equitable among the various classes of consumers.

After the \$1,250,000 annual rate cut was put into effect in April 1948, residential use jumped nearly 9 percent. The average domestic user took advantage of lower rates with more labor-saving devices in the home.

Omaha residential rates rank third from the bottom among seven cities in this area. In comparison with Lincoln, Denver, Kansas City, Des Moines, Wichita, and Sioux Falls, Omaha commercial rates are fourth from the bottom and industrial rates are third from the low.

DEVELOPMENT ENCOURAGED

"This comparatively low-cost industrial service has made possible and has encouraged industrial development in Omaha," said Burns & McDonnell.

The engineers remarked that "the district pays more for coal than the average, due to geographical location, relative remoteness from prime sources of energy supply, etc. In spite of this, operation is so efficient that over-all operating expenses are below the national average."

OPPD is in the midst of an \$18,500,000 expansion program which has been fully endorsed by the engineers.

"Barring unforeseen conditions," said the concern, that development, plus power from the Nebraska public power system and an interconnection agreement with Kansas Gas & Electric Co. "will provide a well-planned and adequate source of power."

TWO RECOMMENDATIONS

Burns & McDonnell came up with only two minor recommendations.

One was technical: That quarterly or semi-annual operating table ratios be prepared for the directors and executive division.

The other was that the district continue to take off-peak power from the Nebraska hydro system. That would cut OPPD fuel costs and permit most efficient operation of OPPD plants.

OPPD: OUTSTANDINGLY GOOD

Understandably bankers want to know how things are going with concerns to which they lend money. The bankers who floated the Omaha Public Power District's bonds made sure that they would know. They put into the bond agreement a provision that an independent firm of consulting engineers should make a thorough check of OPPD's operations once a year and give them a written report.

The report for the year 1948, a document running to 93 pages and full charts and tables has just been filed by the engineers, Burns & McDonnell, of Kansas City.

Their conclusion as to OPPD's operation: Outstandingly good.

OPPD's system, which is owned by the people living in the district, had total assets of \$57,829,000 at the end of 1948, the Burns & McDonnell report states.

In 1948 the system accumulated net earnings of \$2,688,480.

This brought the total of accumulated net earnings, from the time of acquisition in late 1946 to the end of 1948, to \$5,486,838—profit for the owners.

This was achieved despite the fact that on April 1, 1948, OPPD reduced its residential rates so as to save its customers \$1,250,000 annually.

Of OPPD's management the report states:

"The management * * * is of the highest caliber. The policies formulated by the directors are sound and conservative, and the practices established by the executive division are fair, equitable, and in keeping with the standards of other well-managed utilities. * * * With personnel largely obtained from the predecessor company, the employees are unusually competent. * * *

Of OPPD's rates:

"The rates charged for service are adequate to assure high-grade electric service at the lowest rate commensurate with efficient and reliable operation. The (1948) rate reduction was made possible by economies of operation and not by any reduction in quality of service or any deferment of financial obligations or system maintenance."

Of how OPPD compares with other electric systems, mostly privately owned:

"In nearly every case the district's operating ratios are above national averages, and in many cases they approach the optimum ratios."

OPPD, the report goes on, is making adequate provision for the future.

In 1948, because it had been impossible to get new generating equipment during and immediately after the war, the district was skating on thin ice indeed. According to the standard method of figuring capacity, OPPD's reserve was a minus 7,000 kilowatts. This was made up by overloading equipment and by obtaining power from private companies and from the Nebraska hydro system.

Late this summer, with a new generator at last operating, OPPD had a reserve of 19,000 kilowatts.

In 1951, when another new generator should be installed as part of a 4-year, \$18,-

500,000 improvement program, the reserve will go up to 41,000 kilowatts. That should carry the system until 1954.

Omahans familiar with OPDP's operations know that the district was extremely fortunate in the executives it took over from the Nebraska Power Co. J. E. Davidson, Roy Page, F. E. Smith, and Frank Moylan are accounted as among the ablest operating men in the country. They have provided continuing direction and leadership for the system.

And back of them is OPDP's genuinely remarkable board. It includes or has included some of Omaha's most capable businessmen—men for the most part who had a hand in making Omaha's electric system publicly owned, and who want to see it properly launched. Such men as J. M. Harding, Charles D. Saunders, Samuel L. Cooper, and Carl A. Swanson have spent much of their time on OPDP matters as a civic duty.

If the time should come when OPDP no longer presents a challenge to public service by leading businessmen, there will be danger that it will go to seed. Other utilities have, and the task of bringing them back is always difficult and costly.

If OPDP is to maintain its truly remarkable record, able, nonpolitical, business-trained men will have to continue to offer their services for its board. And the people of Omaha will have to see to it that they are chosen.

LETTER FROM MARYLAND STATE BANKING DEPARTMENT IN RE H. R. 1161

Mr. O'CONOR. Mr. President, I wish to bring to the attention of the Senate a letter received from the State Banking Department of Maryland, in which it is made known that not only the Maryland State banking commissioner and his deputy, but also the members of the National Association of Supervisors of State Banks throughout the country, are interested in H. R. 1161, recently reported by the Senate Banking and Currency Committee and now on the Senate Calendar.

I ask unanimous consent that the letter from the deputy bank commissioner of Maryland be appended herewith as part of my remarks.

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

STATE BANKING DEPARTMENT,
Baltimore, Md., September 23, 1949.

Hon. HERBERT R. O'CONOR,
Senate Office Building,
Washington, D. C.

DEAR SENATOR O'CONOR: I am taking this opportunity to again bring to your attention H. R. 1161, which has recently been voted out of the Senate Banking and Currency Committee.

Commissioner Tawes and myself, as well as the respective members of the National Association of Supervisors of State Banks throughout the country are vitally interested in this measure, as we believe it provides for the correction of a long-standing injustice, as pertains to State banking institutions, and would do much to continue to assure the survival of the dual banking system in this country.

We trust that you may find it convenient to extend your complete support to the passage of this bill during the present session.

With warm personal regards, I am,
Very truly yours,

JOHN D. HOSPELHORN,
Deputy Bank Commissioner.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its

reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6008) making supplemental appropriations for the fiscal year ending June 30, 1950, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CANNON, Mr. KERR, Mr. RA-BAUT, Mr. TABER, and Mr. WIGGLESWORTH were appointed managers on the part of the House at the conference.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 734. An act for the relief of Curtis R. Enos;

H. R. 3618. An act for the relief of the legal guardian of Marcia Moss Carroll, a minor, and Charles P. Carroll; and

H. R. 4306. An act for the relief of Zora B. Vulich.

The message further announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 1620. An act for the relief of Robert E. Bridge and Leslie E. Ensign;

H. R. 1694. An act to provide for the return of rehabilitation and betterment of costs of Federal reclamation projects;

H. R. 1746. An act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes; and

H. R. 5007. An act to provide pay, allowances, and physical disability retirement for members of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, Public Health Service, the Reserve components thereof, the National Guard, and the Air National Guard, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the speaker had affixed his signature to the enrolled bill (H. R. 5356) to provide for the conveyance of land to the Norfolk County Trust Co. in Stoughton, Mass., and it was signed by the Vice President.

THE CALENDAR

Mr. LUCAS. Mr. President, I move that the Senate proceed to the consideration of the calendar.

The VICE PRESIDENT. For the consideration of bills to which there is no objection?

Mr. LUCAS. We are to start from the beginning of the calendar.

The VICE PRESIDENT. Does the Senator wish to consider bills to which there is no objection?

Mr. LUCAS. That is correct.

The VICE PRESIDENT. Without objection, the motion is agreed to. The Secretary will state the first business on the calendar.

BILLS PASSED OVER

The bill (S. 130) to provide for the demonstration of public library service in areas without such service or with inadequate library facilities; was announced as first in order.

Mr. SCHOEPEL. Over.

The PRESIDING OFFICER (Mr. STENNIS in the chair). The bill will be passed over.

The bill (S. 206) relating to the immigration status of the lawful wives and

children of Chinese-treaty merchants was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

On objection, the bill was passed over.

JAMES G. SMYTH

The bill (S. 196) for the relief of James G. Smyth, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General is authorized and directed to allow credit in the account of James G. Smyth, collector of internal revenue, first district of California, in the sum of \$143,000, representing the value of certain wine stamps which have been unintentionally lost or destroyed by his office.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 45) for the relief of the owners and operators of certain gold mines which were closed or the operations of which were curtailed by War Production Board Limitation Order L-208 was announced as next in order.

Mr. HENDRICKSON. Mr. President, I object, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 110) to broaden the cooperative extension system as established in the act of May 8, 1914, and acts supplemental thereto, by providing for cooperative extension work between colleges receiving the benefits of this act and the acts of July 2, 1862, and August 30, 1890, and other qualified colleges, universities, and research agencies, and the United States Department of Labor was announced as next in order.

Mr. DONNELL. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 498) to increase rates of compensation of the heads and assistant heads of executive departments and independent agencies was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

On objection, the bill was passed over.

The joint resolution (S. J. Res. 25) proposing an amendment to the Constitution of the United States relative to equal rights for men and women was announced as next in order.

Mr. RUSSELL. Over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 734) to provide for the appointment and compensation of counsel for impoverished dependents in certain criminal cases in the United States district courts was announced as next in order.

Mr. RUSSELL. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2660) to prohibit the parking of vehicles upon any property owned by the United States for postal purposes was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

THE OLEOMARGARINE BILL

The bill (H. R. 2023) to regulate oleomargarine, to repeal certain taxes relating to oleomargarine and for other purposes was announced as next in order.

SEVERAL SENATORS. Over.

Mr. FULBRIGHT. Mr. President, if the objection may be withheld for a moment, I should like to ask the majority leader when he plans to bring up this bill, Calendar 288, House bill 2023.

Mr. LUCAS. In reply to the inquiry made by the Senator from Arkansas, I should advise him that some time ago the Policy Committee unanimously agreed to postpone consideration of the oleomargarine bill until the second session of the present Congress. When we return here early in January the oleomargarine bill will be one of the first bills to be given consideration.

Mr. FULBRIGHT. Do I correctly understand that it will be the first bill to be considered?

Mr. LUCAS. The Senator is correct. When we return the oleomargarine bill will be the first bill to be considered by the Senate.

Mr. FULBRIGHT. I thank the Senator.

Mr. WHERRY. Mr. President, of course that is a firm commitment on the part of the majority, which, of course, is their own problem. I should like to ask the distinguished majority leader, however, if it is his intention to bring up any of the civil-rights measures before this session is concluded?

Mr. LUCAS. There is a possibility of it.

Mr. WHERRY. If it is not brought up at this session, would the majority leader ask unanimous consent that the antilynching bill be brought up, say, as the second order of business during the next session.

Mr. LUCAS. The Senator from Illinois will take up with the policy committee all the suggestions now being made by the distinguished Senator from Nebraska, and we will tell him later exactly what we propose to do with respect to the civil-rights measures. If my good friend would use his influence with the committee with respect to the poll-tax bill, and get it out of committee, we might do something about the poll-tax bill.

Mr. WHERRY. Mr. President, will the Senator yield for a further inquiry?

Mr. LUCAS. I yield.

Mr. WHERRY. I may say to the distinguished Senator that if he will ask the chairman of the subcommittee to hold hearings on the measure, that will be very helpful. The last time the Rules Committee met, I moved to report the bill, but hearings were requested by the majority side.

Mr. LUCAS. I understand how interested the Senator from Nebraska is in the poll-tax bill, the antilynching bill, the FEPC bill, and similar measures.

Mr. WHERRY. That is correct.

Mr. LUCAS. I can assure him that before the Eighty-first Congress concludes, he will have an opportunity to prove some of the assertions he has been making over the country and over the radio in respect to how many Members of the Senate will vote for the FEPC bill, for the poll-tax bill, and for similar bills.

Mr. WHERRY. Will that be the first session or the second session, may I ask the majority leader?

Mr. LUCAS. It may be the first session or it may be the second session. Is that an answer?

Mr. WHERRY. No; that is very indefinite.

Mr. LUCAS. I knew the Senator from Nebraska would not agree to that, but that is the best answer I can give him.

Mr. WHERRY. I thank the Senator. I think that is true; I think that is the best answer the majority leader can give.

Mr. LUCAS. Yes; it is the best answer, and it is one that satisfies the Senator from Illinois and the majority, and I am sure it satisfies most of the minority.

Mr. WHERRY. Of course, Mr. President, it probably does satisfy the majority, the Senators on the other side of the aisle, so far as the civil-rights proposed legislation is concerned. But I should like to suggest to the distinguished Senator from Illinois that if he will now ask unanimous consent to have the civil-rights bill brought up, I am sure he will find that consent will be given by all Senators on this side of the aisle.

Mr. LUCAS. Mr. President, the Senator from Nebraska may have an opportunity to vote on civil rights before this session concludes. The Senator is pushing me a little along that line. I know exactly what he is attempting to do. He is not fooling anyone here, neither is he fooling the country, in respect to his position in regard to civil rights. He can keep on pushing a little, and he will have his desire in respect to FEPC and probably in respect to the antilynching bill, because the Senator from Illinois is in favor of both those bills, and they will be brought up in due course.

Does the Senator from Nebraska wish to ask me another question?

Mr. WHERRY. Yes. I ask the Senator from Illinois to request unanimous consent to have the civil rights bill brought to the Senate as the first measure in the second session of the Eighty-first Congress. Will the majority leader put such a unanimous request?

Mr. LUCAS. Mr. President, why does not the Senator from Nebraska want to have it considered now, at this session?

Mr. WHERRY. Because the Senator from Illinois already stated that he did not know whether he could do it at this session or at next session. Inasmuch as the majority leader is now making up the calendar to be taken up at the next session, and has made the suggestion that the oleomargarine bill be taken up as the first measure, I am perfectly agreeable to having the civil-rights bill taken up as the first measure of the second session of the Eighty-first Congress. If the distinguished majority leader will ask unanimous consent now to have the civil-rights bill, which has been reported from the Judiciary Committee, taken up as the first piece of proposed legislation in the second session of the Eighty-first Congress, he will be able to obtain unanimous consent at this time, so far as Senators on this side of the aisle are concerned.

Mr. FULBRIGHT. Mr. President, I call for the regular order.

Mr. LUCAS. Mr. President, let me answer the Senator from Nebraska for a moment, please.

The Senator from Nebraska is tremendously interested in the so-called antilynching bill. He wants now to let the country know that he is attempting to organize the program for the majority in the second half of the Eighty-first Congress.

Mr. FULBRIGHT. Mr. President, I call for the regular order.

The PRESIDING OFFICER. On objection, House bill 2023 has been passed over. The regular order is called for, and the clerk will state the next measure on the calendar.

BENEFITS UNDER CIVIL SERVICE RETIREMENT ACT

The bill (S. 878) to provide certain benefits for annuitants who retired under the Civil Service Retirement Act of May 29, 1930, prior to April 1, 1948, was announced as next in order.

Mr. WHERRY. I object.

Mr. LUCAS obtained the floor.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

Mr. LUCAS. Mr. President, I have the floor, and I do not yield for a parliamentary inquiry.

Let me say that the Senator from Nebraska is vitally interested in the antilynching bill and he is vitally interested in the FEPC bill and he is vitally interested in the poll-tax bill. He is attempting now, at the close of the session, to lay down a policy to be carried out during the next session, insofar as what the majority will do is concerned. Mr. President, whenever we want the advice of the Senator from Nebraska in regard to what the majority will do, either at this session or at the next session, we shall invite him to the meeting of the Democratic policy committee. But we on this side of the aisle are controlling the kind of program we are going to put through at this session and at the next session, and we do not need any advice; we do not need any counsel or any Nebraska wisdom to tell us what we on this side of the aisle can or cannot do. That is my answer to the Senator from Nebraska.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. What bill was just called as next in order?

The PRESIDING OFFICER. Calendar No. 294, Senate bill 878, has been called.

Is there objection to the present consideration of the bill?

Mr. WHERRY. Mr. President, has disposition been made of the bill?

The PRESIDING OFFICER. It has not yet been disposed of.

Mr. WHERRY. Mr. President, I ask unanimous consent that Senate bill 91, Calendar No. 458, a bill to provide for the better assurance of the protection of persons within the United States from lynching, and for other purposes, be taken up by the Senate as the second

piece of proposed legislation to be considered at the second session of the Eighty-first Congress.

Mr. McCLELLAN. I object.

The PRESIDING OFFICER. Objection is heard. Is there objection to the present consideration of Senate bill 878, Calendar No. 294?

Mr. HENDRICKSON. Mr. President, reserving the right to object, let me say I understand that the Senator from South Carolina [Mr. JOHNSTON] has amendments to overcome objections heretofore raised.

Mr. JOHNSTON of South Carolina. Mr. President, at the time when this bill was reached at a previous call of the calendar, the senior Senator from Delaware [Mr. WILLIAMS] had an amendment. Since then, the amendment has been studied. Under the amendment it would cost a quarter of a million dollars merely to make the investigation called for. It is the opinion that it would not cost anywhere near that much to pay annuities to the persons concerned.

Therefore, under those circumstances, I could not agree to the amendment.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. WILLIAMS. Mr. President, I showed the amendment to the Senator from South Carolina about 2 months ago. At that time he agreed to the amendment. This is the first notice I have had that he disagrees. I ask that the bill be passed over.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSTON of South Carolina. Mr. President, I should like to have printed at this point in the RECORD a letter which is signed by Warren B. Irons, Chief of the Retirement Division. I wish to have the letter printed in the RECORD in order to bring to the attention of the Senate what the Retirement Division has to say in regard to the amendment we have been discussing. I request that the letter be printed in the RECORD for the information of the Members of the Senate.

The PRESIDING OFFICER. Is there objection?

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

AUGUST 4, 1949.

Mr. WILLIAM BRAWLEY,
Assistant Staff Director, Committee on
Post Office and Civil Service, United
States Senate.

DEAR MR. BRAWLEY: Reference is made to the proposed amendments to bill S. 878.

The amendments are of the exact import as that offered by Senator WILLIAMS when the Senate considered H. R. 4127 (now Public Law 426, 80th Cong.) on January 23, 1948, on the floor of the Senate (see p. 488, CONGRESSIONAL RECORD). This amendment was agreed to by the Senate but eliminated by the conference committee.

It has been consistently the policy of Congress to extend the application of any new formula for computing annuities to persons already retired. The amendment of February 28, 1948, advisably introduced a new approach with regard to individuals already retired. In lieu of recomputation, Public Law 426 provides a flat percentage increase or the right of choosing a benefit for a survivor. Congress adopted this approach rather

than recomputation because it recognized that it is difficult to convert an apple into an orange. The annuity formula included in Public Law 426 was based upon length of service and average salary while the formula under which most of the people had been previously retired was based primarily on contributions to the fund and service limited to 30 years. Many other features of the retirement law were changed by Public Law 426, many of which bear either directly or indirectly upon the new annuity formula, all being intended to simplify administration and make the law more understandable to the average employee.

The adoption of the proposed amendments would defeat the aim of simplification and would require a review and recomputation of the vast majority of 125,000 annuitants on the roll as of April 1, 1948. The administrative problems proposed by the amendments bear serious consideration and are as follows:

1. Public Law 426 set no limitation as to years of service that might be considered in determining the amount of annuity. Under the old law 30 years was the maximum service that could be counted for annuity purposes under two of the three methods of computation prescribed. The vast majority of the 125,000 retired prior to April 1, 1948, had their annuities computed under one of these methods. Since there was no limitation as to years of service, no effort was ever made to verify service in excess of 30 years. In most instances the alleged service in excess of 30 years was rendered many years prior to enactment of the original retirement act and at a time for which accurate records were not kept or are not now available. Verification at this late date of that old service would place a great strain upon the facilities of this division.

2. In all computations under one of the formulas of the old law, and in most instances under another, it was unnecessary at time of retirement to determine the exact average salary. Recomputation under this bill would require determination of the exact average salary in all cases. This would necessitate the verification of salary rates which were not material in the original computation.

3. Passage of these amendments at this time would require reconsideration of military service. Under Public Law 426 full credit for military service is allowed without deposit. Under the old laws crediting of military service varied. In many cases it was not credited if the individual did not choose to pay for it. In other instances he would choose to pay for it. This would now have to be recomputed and service credit granted free. I might cite one minor comparison in regard to military service. Under the prior law the employee who had 5 years of service, including civilian and military service, was eligible to annuity. Under Public Law 426, he has title to annuity only if he has 5 years of civilian service, exclusive of military service. The operation of this feature retroactively as proposed by these amendments conceivably could eliminate certain individuals from the retired rolls.

4. Public Law 426 provides that if an individual has not paid for all of the service he has the choice of paying for it at the time of retirement or having retirement annuity reduced by one-tenth of the amount of deductions, plus interest. The old law provided somewhat similar choice but the reduction was arrived at by actuarial factors which, in some instances, was greater than one-tenth and in other instances was less than one-tenth.

5. Public Law 426 provides for nonforfeiture annuities only. The old law granted the right of choice between a forfeiture and nonforfeiture annuity. Under the proposed amendments, I don't know how we would

convert a forfeiture annuity to a nonforfeiture annuity.

6. Public Law 426 provides that those individuals retired between the ages of 55 and 60 with 30 years of service shall be entitled to an annuity but reduced 3 percent for each year the individual is under the age of 60. The old law permitted such individuals to retire before the age of 60 but provided for reduction on an actuarial basis.

The foregoing are merely some of the complications that arise when we try to compare an apple with an orange. Passage of the amendments would require this division to review each of 125,000 cases which were on the rolls prior to April 1, 1948. To be effective, this review should be accomplished within a reasonably short time after approval of the amendment and be done by competent and well-trained adjudicators. We could not rely upon newly recruited personnel to accomplish this task. It has been conservatively estimated that we would require a deficiency appropriation for personal services of a minimum of \$250,000.

Under the proposed amendments if the retired annuitant elects a survivorship benefit his annuity shall be compared with the annuity he would be entitled to under Public Law 426. If Public Law 426 produces lesser annuity, that individual's annuity shall be reduced. We have no way, of course, of estimating how many individuals would choose a survivorship annuity. We can say, however, that of the 100,000 individuals on the rolls who did not choose a survivorship annuity last year that at least 70,000 now receive a higher annuity than they would receive under Public Law 426. It would be the individuals in the lower annuity brackets who would receive the greatest reduction comparatively.

Sincerely yours,

WARREN B. IRONS,
Chief, Retirement Division.

Mr. WILLIAMS. Mr. President, in further reference to the printing in the RECORD of the letter from Mr. Irons, I merely wish to point out that Mr. Irons is the same person who reported, last year, that Senate bill 637 would not cost anything, but later he reports that Senate bill 878, a similar bill, will cost a quarter of a million dollars.

The PRESIDING OFFICER. Objection is heard to the present consideration of Senate bill 878.

The clerk will state the next measure on the calendar.

CONCURRENT RESOLUTION AND BILL PASSED OVER

The concurrent resolution (S. Con. Res. 33) suspending the legislative budget pending further study, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

Mr. SCHOEPFEL. Mr. President, reserving the right to object, I note that a request has been lodged with the junior Senator from Kansas that the concurrent resolution be passed over. Therefore, I ask that it be passed over.

The PRESIDING OFFICER. The concurrent resolution will be passed over.

The clerk will state the next measure on the calendar.

The bill (S. 1086) for the relief of the Dixie Margarine Co., a Tennessee corporation, of Memphis, Tenn., was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, I ask that the bill go over until the next call of the calendar.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

Mr. KILGORE. Mr. President, is there any information the Senator from New Jersey desires? I can furnish information in regard to the bill. It is very similar to a bill which recently was passed.

Mr. HENDRICKSON. Mr. President, I have objected to the consideration of the bill on previous occasions. I object at this time and ask that the bill be passed over until the next call of the calendar.

The PRESIDING OFFICER. Objection has been heard, and the bill has been passed over.

The clerk will call the next measure on the calendar.

BILL TEMPORARILY PASSED OVER

The bill (S. 178) for the relief of Carl Piowaty and W. J. Piowaty was announced as next in order.

Mr. PEPPER. Mr. President, I ask that the bill be temporarily passed over. The PRESIDING OFFICER. Is there objection?

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. What happens to a bill that is temporarily passed over? Are we operating under a rule whereby we can return to such a bill?

The PRESIDING OFFICER. Under the request of the Senator from Florida, he could request that the bill be recalled at the end of the calendar.

Mr. WHERRY. At the end of the calendar?

The PRESIDING OFFICER. That is correct.

By unanimous consent, the bill is temporarily passed over.

BILLS PASSED OVER

The bill (S. 1464) to amend the provisions of the Agricultural Adjustment Act relating to marketing agreements and orders was announced as next in order.

Mr. HENDRICKSON. By request, I ask that the bill go over.

The PRESIDING OFFICER. Objection is heard.

The bill (S. 1536) to authorize advances in pay to personnel of the Army, Navy, Air Force, and Marine Corps upon permanent change of station, and for other purposes, was announced as next in order.

Mr. SCHOEPEL. Mr. President, there is a similar bill on the calendar, Order No. 737. I should like to request that this bill be passed over until we reach Calendar 737.

Mr. WHERRY. Mr. President, I suggest the bill which is Order No. 737, House bill 4050, be taken up in connection with Order No. 411, Senate bill 1536,

unless the Senator wishes to object to both of them.

Mr. SCHOEPEL. It is not that I want to object to both of them. I desire to note an objection to Calendar 411, Senate bill 1536.

The PRESIDING OFFICER. Objection is heard.

The bill (S. 1393) to promote the national defense and to contribute to more effective aeronautical research by authorizing professional personnel of the National Advisory Committee for Aeronautics to attend accredited graduate schools for research and study, was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. SCHOEPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1955) to authorize certain persons to accept decorations tendered them by the United Kingdom for services rendered the Allied cause during World War II, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 595) relating to the internal security of the United States was announced as next in order.

On objection, the bill was passed over.

The bill (H. R. 1243) to amend the Hatch Act was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. HENDRICKSON. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 458) to provide for a survey of physically handicapped citizens was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. SCHOEPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 91) to provide for the better assurance of the protection of persons within the United States from lynching, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

PURCHASE OF FARMING LAND FOR LEAVENWORTH PENITENTIARY

The bill (S. 1730) to authorize the purchase of additional farming land for Leavenworth Penitentiary was announced as next in order.

The PRESIDING OFFICER. The Chair calls attention to the fact that a companion bill (H. R. 4585) is on the calendar as order No. 545. Is there objection to substituting the House bill for the Senate bill and now considering the House bill?

There being no objection, the bill (H. R. 4585) to authorize the purchase of additional farming land for Leavenworth Penitentiary was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill (S. 1730) is indefinitely postponed.

BILLS PASSED OVER

The bill (S. 12) to amend the Civil Aeronautics Act of 1938, as amended, was announced as next in order.

Mr. MYERS. Over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

The bill (H. R. 4080) to unify, consolidate, revise, and codify the Articles of War, the Article, for the Government of the Navy and the disciplinary laws of the Coast Guard and to enact and establish a Uniform Code of Military Justice, was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

PERMANENT NATIONAL COMMISSION ON INTERGOVERNMENTAL RELATIONS—BILL PASSED OVER

The bill (S. 1946) to establish a permanent National Commission on Intergovernmental Relations was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. LUCAS. Over.

Mr. O'CONOR. Mr. President, will the able majority leader withhold his objection temporarily?

The PRESIDING OFFICER. Does the Senator from Illinois withhold his objection temporarily?

Mr. LUCAS. I withhold it temporarily.

Mr. O'CONOR. I should like to ask the distinguished Senator from Illinois whether there is any intention on his part to suggest consideration of this very important bill before the expiration of the first session of the Eighty-first Congress?

Mr. LUCAS. I shall be glad to hear anything the Senator from Maryland may wish to say on the subject.

Mr. O'CONOR. If the Senator will allow me to say a word, the bill, as the Senator undoubtedly knows, has been sponsored by 30 Members of the Senate, from both sides of the aisle. It had the unanimous approval of the committee. It is in accordance with the recommendations of the Hoover Commission. We think it deserves consideration by the Senate. Will the distinguished senior Senator from Illinois give thought to the possibility of its early consideration?

Mr. LUCAS. We shall be delighted to hear the Senator from Maryland at our policy committee meeting tomorrow, if he desires to come.

Mr. O'CONOR. I should like very much to do so.

The PRESIDING OFFICER. The bill will be temporarily passed over.

JOINT RESOLUTION AND BILL PASSED OVER

The joint resolution (S. J. Res. 108) to reduce expenditures in government for the fiscal year 1950 consistent with the public interest was announced as next in order.

Mr. MYERS. Over.

The **PRESIDING OFFICER**. Objection is heard, and the joint resolution will be passed over.

The bill (S. 2093) to amend the United Nations Participation Act of 1945 to provide for the appointment of representatives of the United States in the organs and agencies of the United Nations, and to make other provision with respect to the participation of the United States in such organization, was announced as next in order.

Mr. **HENDRICKSON**. Mr. President, I ask that the bill go over.

The **PRESIDING OFFICER**. The bill will be passed over.

BILL PLACED AT FOOT OF CALENDAR

The bill (S. 1915) for the relief of Viktor A. Kravchenko was announced as next in order.

The **PRESIDING OFFICER**. Is there objection?

Mr. **TAYLOR**. Over.

The **PRESIDING OFFICER**. Objection is heard.

Mr. **MUNDT**. Mr. President, if the Senator would make that a temporary reservation until the end of the session, so we can talk to him about the bill, I should appreciate it.

Mr. **TAYLOR**. I would be glad to have the Senator explain the bill.

Mr. **MUNDT**. Mr. President, will the Senator allow the bill to be passed over temporarily?

Mr. **TAYLOR**. That will be all right with me.

The **PRESIDING OFFICER**. Without objection, the bill will be placed at the foot of the calendar.

BILL PASSED OVER

The bill (H. R. 3946) to promote the national defense and to contribute to more effective aeronautical research by authorizing professional personnel of the National Advisory Committee for Aeronautics to attend accredited graduate schools for research and study, was announced as next in order.

The **PRESIDING OFFICER**. Is there objection?

Mr. **SCHOEPEL**. Over.

The **PRESIDING OFFICER**. Objection is heard, and the bill will be passed over.

Mr. **LUCAS**. Mr. President, am I correct in thinking we have missed Calendar Order 545, the bill (H. R. 4585)?

The **PRESIDING OFFICER**. The Chair advises the Senator that the bill (H. R. 4585) was substituted for the bill (S. 1730), Calendar Order 464, and was passed. The House bill was a duplicate of the Senate bill. The Senate bill was indefinitely postponed.

CONVEYANCE OF LAND TO SAN FRANCISCO

The Senate proceeded to consider the bill (S. 862) authorizing the Secretary of the Army to convey certain lands to the city and county of San Francisco, which had been reported by the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Army is authorized to convey by quitclaim deed to the city and county of San Francisco, for public park

and recreational purposes, forty-two acres of land, more or less, in the city and county of San Francisco, State of California, being that portion of the Fort Funston Military Reservation situated north of the northerly boundary of land heretofore transferred by the Secretary of the Army to the Veterans' Administration, the exact description of land to be conveyed to be determined by the Secretary of the Army.

SEC. 2. The deed of conveyance authorized by section 1 of this Act shall provide as follows:

a. That the United States shall reserve to itself the right to use and occupy for so long as is necessary all those living quarters and appurtenances thereto now located within the area to be conveyed, together with the free and full right of ingress to and egress from said quarters.

b. That the city and county of San Francisco shall grant to the State of California the use, for a period of 99 years, of approximately seven acres of the land herein provided for conveyance for the purpose of erection thereon by the State of California of National Guard facilities.

c. That there shall be reserved to the United States the existing water lines running through the property for so long as the use thereof may be required.

d. That there shall be reserved to the United States, for use by the Veterans' Administration, a twenty-five foot easement along the easterly portion of the property, the exact location of which to be determined by the city and county of San Francisco, the Department of the Army, and the Veterans' Administration.

e. That there shall be reserved to the United States such additional easements, of whatsoever nature, as may be determined necessary by the Secretary of the Army.

f. That there shall be reserved to the United States all interest in and to any oil, mineral, or fissionable material in said land.

g. For such other terms, conditions, restrictions, and reservations as the Secretary of the Army shall deem necessary to protect the interests of the United States.

SEC. 3. In the event of breach by the grantee of any of the terms, conditions, restrictions, and reservations contained in said deed, or if the property authorized for conveyance by section 1 of this Act is used for any purpose other than mentioned in this Act, then title to the property shall revert to the United States and, in addition, all improvements made by the city and county of San Francisco or the State of California shall vest in the United States without payment of compensation therefor.

The **PRESIDING OFFICER**. There is a House bill on the same subject, Calendar Order 616, House bill 5328.

Mr. **KNOWLAND**. Mr. President, I have an amendment which has been suggested by the Veterans' Administration. It is short, and I desire to read it:

In the committee amendment, on page 3, line 2, after the word "facilities", insert a comma and the following:

"Such grant to be upon condition that the activities of the National Guard on such land shall not be of such nature as would, in the judgment of the Administrator of Veterans' Affairs, interfere with the care and treatment of patients in the Veterans' Administration hospital to be erected on land adjacent to the 42-acre tract referred to in section 1 of this act, not precluding, however, the following activities: (1) The construction of National Guard facilities; (2) the operation of motor vehicles; (3) the assembling, moving, or passage of uniformed personnel."

I send the amendment to the desk.

Mr. **WHERRY**. Mr. President, does the distinguished Senator from Cali-

fornia know whether or not the distinguished Senator from Oregon is interested in this bill?

Mr. **KNOWLAND**. Yes. I have a statement from the Senator from Oregon that I should like to put into the RECORD at this time. It was telephoned to me, and I shall read it:

Senator MORSE wants Senator KNOWLAND to introduce as part of his remarks Secretary Gray's letter in which Secretary Gray makes clear that they are receiving more than 50 percent of the appraised value.

This is a statement the Senator from Oregon [Mr. MORSE] wants to make:

In fact, as I study the record I am satisfied the Government is getting full value for the property. Therefore I withdraw my objection.

I ask, Mr. President, as part of my remarks, and in accordance with the statement of the Senator from Oregon [Mr. MORSE], that Secretary Gray's letter be printed in the RECORD at this point.

The **PRESIDING OFFICER**. Is there objection?

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

JULY 29, 1949.

HON. WILLIAM F. KNOWLAND,
United States Senate,
Washington, D. C.

DEAR SENATOR KNOWLAND: Reference is made to your letter of July 27, 1949, in which you request additional information with respect to the value of the property which will be conveyed by S. 862, a bill "Authorizing the Secretary of the Army to convey certain lands to the city and county of San Francisco," and the value of the benefits which would be received by the Government as a result of the conveyance.

As stated in the original Department of the Army report on S. 862, the land and buildings which would be conveyed to the city and county of San Francisco has an estimated value of \$362,314. This figure represents a land value of approximately \$185,000 and \$177,314 as the estimated value of the buildings on the premises.

In answer to your question as to whether, in the opinion of this Department, the Government is receiving from the city and county of San Francisco and the State of California value equal to or in excess of 50 percent of the appraised value of the subject property, I would like to again review the benefits which would accrue to the Federal Government.

(a) The Department of the Army will retain the use of 15 sets of living quarters on the premises, with the agreement that the city of San Francisco will furnish 8 sets of quarters elsewhere in San Francisco if the Army is subsequently requested to vacate the quarters at Fort Funston. The minimum cost to the city of San Francisco of constructing 8 sets of quarters is estimated to be \$120,000.

(b) The State of California will furnish armory facilities on the property to be conveyed, at a cost of \$290,000. Further, as a part of the general agreement, the State of California will convert the Palace of Fine Arts Building into an armory, at an estimated cost of \$250,000. Inasmuch as these facilities will be available for joint use of the civilian components in the area, and will be constructed at no cost to the Federal Government, it is considered that at least 1,600 individuals of the Reserve components will be afforded training facilities in addition to the 1,600 members of the California National Guard, for whom the facilities are to be constructed. On that basis, the minimum value to the Federal Government would be \$270,000.

(c) As provided in S. 862, the city and county of San Francisco will convey to the United States certain easements required by the Army and the Veterans' Administration. It is impossible to place definite money value on these conveyances since it is not known at this time exactly what easements will be required. They will, however, be of considerable value to the United States.

From the foregoing it may be seen that the United States will in fact receive benefits from the proposed conveyance in excess of 50 percent of the appraised value of the property.

Sincerely yours,

GORDON GRAY,
Secretary of the Army.

The PRESIDING OFFICER. The Senator from New Jersey had offered an amendment to the bill, on a previous occasion.

Mr. KNOWLAND. What I suggest, Mr. President, is that the bill be amended as I have suggested, because it is the amendment we have been working on. Then, I hope we can get unanimous consent to substitute the Senate bill as amended for the House bill.

Mr. HENDRICKSON. I submit an amendment, and ask to have it read.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. At the end of the amendment submitted by the Senator from California, after the word "personnel", to insert a colon and the following proviso: "Provided, That such grant shall not be effective until the Governor of the State of California shall certify in writing to the Secretary of Defense that such land is needed by the State of California for the purpose of a site for a National Guard Armory and for training the National Guard or for other related military purposes and that such land is suitable for such purposes."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey to the amendment of the Senator from California.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from California as amended.

The amendment, as amended, was agreed to.

The amendment of the committee, as amended, was agreed to.

The PRESIDING OFFICER. There is a House bill on the same subject, Calendar 616, House bill 5328. Is there objection to the consideration of House bill 5328?

There being no objection, the Senate proceeded to consider the bill (H. R. 5328) authorizing the Secretary of the Army to convey certain lands to the city and county of San Francisco.

The PRESIDING OFFICER. Without objection, the House bill will be amended by striking out all after the enacting clause and inserting the Senate bill, as amended. The Chair hears no objection, and the amendment is agreed to.

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

The bill was read the third time and passed.

The PRESIDING OFFICER. Without objection, Senate bill 862 is indefinitely postponed.

BILLS AND RESOLUTIONS PASSED OVER

The bill (S. 1498) to amend the Natural Gas Act, approved June 21, 1938, as amended, was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1165) to provide relief for the sheep-raising industry by making special quota immigration visas available to certain alien sheepherders was announced as next in order.

Mr. DOUGLAS and other Senators. Over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 58) to amend the Senate rules by creating a standing committee on small business, was announced as next in order.

Mr. BYRD and other Senators. Over.

The PRESIDING OFFICER. The resolution will be passed over.

The joint resolution (S. J. Res. 2) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President, was announced as next in order.

Mr. SCHOEPEL. Over.

The PRESIDING OFFICER. The joint resolution will be passed over.

AUTHORIZATION OF AMERICAN RIVER BASIN DEVELOPMENT, CALIFORNIA

The Senate proceeded to consider the bill (H. R. 165) to authorize the American River Basin development, California, for irrigation and reclamation, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with amendments.

Mr. SCHOEPEL. Mr. President, this is a bill to which I understand certain amendments have been submitted. I think I am correct in saying that the Senator from California [Mr. DOWNEY] has agreed to them.

Mr. DOWNEY. That is correct. I have agreed, as has the junior Senator from California [Mr. KNOWLAND].

The PRESIDING OFFICER. The clerk will first state the committee amendments.

The committee amendments were, on page 2, line 1, after the word "development", to strike out "and"; and in the same line, after the word "recreation", to insert "navigation."

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. SCHOEPEL. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The LEGISLATIVE CLERK. It is proposed to strike out on page 1 the words following the word "the" on line 7; to strike out on page 1, lines 8, 9, 10; to strike out on page 2, lines 1 and 2; and to insert in lieu thereof "same purposes as described and set forth in the act of Congress of August 26, 1937 (50 Stat. 850)"; and on page 2, line 18, after the word "lines" and before the "semicolon", to strike out "to power load centers" and insert "to the nearest practical inter-

connection with the Central Valley project transmission system."

Mr. O'MAHONEY. Mr. President, I should like to have that amendment explained.

Mr. DOWNEY. Mr. President, shall I explain the amendment?

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. DOWNEY. The titling of the act was a technical matter, and it was not in accordance with the original Central Valley Act. Objections have been made to the provision for the building of transmission lines on the ground that the authorization is too broad. The amendment which is here offered provides that the Federal Government shall build transmission lines from the Folsom project to connect with the Government's power system of the Central Valley project. The amendment is agreeable to everyone concerned, including the Bureau of Reclamation.

Mr. O'MAHONEY. The Bureau of Reclamation has no objection, has it?

Mr. DOWNEY. That is correct.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. DOWNEY. I yield.

Mr. LANGER. Is any part of the land involved owned by the Kern County Land Co.?

Mr. DOWNEY. None of it is owned by the Kern County Land Co. It is located several hundred miles from the Kern County Land Co.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The Senate proceeded to consider the bill (S. 1931) to amend the act of June 6, 1924, as amended, relating to the National Park and Planning Commission, which had been reported from the Committee on the District of Columbia, with an amendment.

The PRESIDING OFFICER. The committee amendment was agreed to on July 26, on the previous call of the calendar.

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

Be it enacted, etc., That the act approved June 6, 1924, entitled "An act providing for a comprehensive development of the park and playground system of the National Capital" (43 Stat. 463), as amended, is hereby further amended by substituting sections 1 to 8, inclusive, reading as follows, for section 1 of such act, as amended, and by renumbering sections 2, 3, and 4 of such act, as amended, as sections 9, 10, and 11, respectively:

"SECTION 1. The National Capital Planning Commission.—

"(a) Creation of Commission: The National Capital Planning Commission is hereby created as the central planning and coordinating agency to secure the appropriate and orderly development and redevelopment of the National Capital and its environs, and

the conservation of the natural and historical features thereof. To this end the National Capital Planning Commission, hereinafter referred to as the Commission, shall plan, provide guidance, and promote cooperation for the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the area, which will achieve the character and appearance consonant with the nature and function of the National Capital, and will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development. As used in this act, the word "environs" includes Montgomery and Prince Georges Counties in Maryland and Arlington and Fairfax Counties in Virginia, and all cities now or hereafter existing in Maryland or Virginia within the geographical area bounded by the outer boundaries of the combined area of said counties: *Provided, however*, That whenever it becomes necessary in the national interest to locate any Federal development or project at any place within any other county or city in Maryland or Virginia any part of which is within a distance of 50 miles from the District of Columbia, the Commission shall extend its plans or planning studies, guidance, and cooperation so as to include the area in any such county or city affected by such development or project.

"(b) Purpose of Commission: It is the purpose of this act to obtain the maximum amount of cooperation and correlation of effort between the departments, bureaus, commissions, and other agencies of the Federal and District of Columbia Governments and the State and local authorities of Maryland and Virginia in carrying out the provisions of this act. The said Federal and District governmental agencies therefore shall look to the Commission and utilize it as the central planning agency as hereinafter set forth. To this end plans, data, and records, or copies thereof, shall be made available to the Commission upon its request by such Federal and District governmental agencies; and the Commission shall likewise furnish plans, data, and records, or copies thereof, to Federal and District of Columbia governmental agencies upon request.

"(c) Composition of Commission: The Commission shall be composed of—

"(1) the Chief of Engineers of the Army, the Engineer Commissioner of the District of Columbia, the Architect of the Capitol, the Director of the National Park Service, the Federal Works Administrator, and the chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives, any of whom if unable to serve in person may designate a representative to serve as a member of the Commission in his stead.

"(2) five eminent citizens well qualified and experienced in city planning, at least one of whom shall be a bona fide resident of the District of Columbia, to be appointed by the President: *Provided*, That appointive members of the National Capital Park and Planning Commission in office on the effective date of this amendatory act shall serve out their unexpired terms, as members of the Commission, in lieu of an equal number of members provided for in this paragraph (2). The terms of office of other members first appointed under this paragraph (2) shall be so fixed by the President that the term of one of such five members will expire on April 30 of each of the following years, namely, 1950, 1951, 1953, 1954, and 1955, and thereafter the terms of office shall expire every 6 years following such dates, respectively. Any member of the Commission appointed under this paragraph (2) shall, the expiration of his term notwithstanding, continue as a member, if his successor has not taken office, pending the appointment and qualification of the successor; and

"(3) three eminent citizens, one each from Maryland, Virginia, and the District of Columbia, to be nominated by the Governors of Maryland and Virginia, and the Commissioners of the District of Columbia, respectively, and appointed by the President. The terms of the members first appointed hereunder shall expire on April 30, 1950, for the Virginia member, April 30, 1951, for the Maryland member, and April 30, 1952, for the District of Columbia member, and thereafter the terms of office shall expire every 6 years following such dates, respectively.

Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The appointive members of the Commission shall receive no compensation as such, but shall be paid \$10 per diem in lieu of subsistence and be reimbursed for the cost of travel when attending meetings of the Commission or engaged in investigations or other specific duties pertaining to its activities.

"(d) Officers and employees of Commission: The Commission may elect its own Chairman and such other officers as it deems desirable. The Commission is authorized to employ an executive officer, or in its discretion to designate from time to time one of the members of the Commission to serve as executive officer, and to employ a Director of Planning and such other technical and administrative personnel as may be necessary. Without regard to section 3709 of the Revised Statutes, the civil service or classification laws, or section 5 of the act of April 6, 1915 (5 U. S. C. 55), the Commission may employ, by contract or otherwise, and at such rates of compensation as it may determine, the services of city planners, architects, engineers, and other experts or organizations thereof, as may be necessary to carry out its functions.

"(e) Advisory and coordinating committees: The Commission shall have the authority to establish, by and with the consent of the agency concerned as to its representation, such advisory and coordinating committees, representing the proper agencies of the Federal and District of Columbia Governments and of State and local authorities in Maryland and Virginia, as may be necessary or helpful to obtain the maximum amount of cooperation and coordination of effort among the departments, bureaus, commissions, and other agencies of the Federal and District Governments, and State and suburban authorities, in order that the National Capital and its environs may be developed in accordance with the comprehensive plan.

"Sec. 2. Comprehensive Plan for the National Capital and Environs.—

"(a) Preparation and adoption: The Commission is hereby charged with the duty of preparing and adopting a comprehensive, consistent, and coordinated plan for the development of the National Capital and its environs. Such plan shall show the Commission's recommendations for the said development and may include, among other things, the general location, arrangement, character, and extent of highways, streets, bridges, viaducts, subways, major thoroughfares, and other facilities for the handling of traffic; parks, parkways, and recreation areas, and the facilities for their development and use; public buildings and structures, including monuments and memorials, public reservations or property, such as airports, parking areas, institutions, and open spaces; land use, zoning, and the destiny or distribution of population; public utilities and services for the transportation of people and goods or the supply of community facilities; waterway and water-front development; redevelopment of obsolescent, blighted, or slum areas; neighborhood areas; projects affecting the amenities of life, the preservation and conservation of natural scenery and resources, and features of historic and scientific interest and educational value; and all other proper elements of city and regional

planning. The plan may include appropriate maps, plats, charts, tables, and descriptive, interpretive, and analytical matter, economic and social aspects, and trends of urban development, and such functional and sectional plans as the Commission deems necessary or desirable.

"(b) Progressive adoption, amendment or review: The Commission may, as the work of preparing the comprehensive plan progresses, adopt a part or parts thereof and from time to time amend, extend, or add to the plan. To develop and maintain the plan, and to keep its recommendations up to date, the Commission shall review periodically all elements and adopt such revisions as in its judgment may be required.

"(c) Purposes of the plan: The primary purpose and effect of the plan is to aid the Commission in the performance of its duties and to guide the accomplishment of a coordinated, comprehensive, adjusted and systematic development of the National Capital and its environs.

"(d) Consultation with interested agencies: Prior to the final adoption of the comprehensive plan or any element thereof, or any subsequent revision, the Commission shall present such plan, element, or revision to the appropriate Federal or District of Columbia authorities, requesting that comment and recommendations be submitted within 30 days or such longer period as the Commission may specify. Presentation of proposed revisions may at the Commission's discretion be made annually in a consolidated form. The said recommendations shall not be binding on the Commission, but it shall give careful consideration to such views and recommendations as are submitted prior to final adoption. The Commission may, in addition and at its discretion, periodically provide opportunity by public hearings, meetings, or conferences, exhibitions and publication of its plans, for review, comments, criticisms, and suggestions by non-governmental agencies or groups, and encourage the formation of one or more citizen advisory councils.

"The Commission may, as to the environs, make recommendations to and act in conjunction and cooperation with such representatives of the States of Maryland and Virginia and their local authorities concerned with the planning of the environs as may be within its functions and means. The Commission may enter into such commitments and agreements with said representatives as the Commission deems necessary to effectuate the adoption of the various elements of the plan and secure its realization.

"Sec. 3. Proposed developments and improvements.—

"(a) Consultation with Commission: In order to insure the comprehensive planning and orderly development of the National Capital and its environs, each Federal and District of Columbia agency prior to the preparation of construction plans for public improvements or to commitments for the acquisition of land, to be paid for in whole or in part from Federal or District funds, shall consult and advise with the Commission in the preparation by the agency of plans, programs, and regulations which affect the plan and development of the National Capital or its environs: *Provided, however*, That the Commission shall determine in advance the type or kinds of plans, improvements, or acquisitions which do not need to be submitted for review by the Commission as to conformity with its plans. After receipt of such plans, maps, and data, it shall be the duty of the Commission to make a preliminary report and recommendations to the agency or agencies concerned within 30 days, unless by mutual agreement there is an extension of time. If, after having received and considered the report and recommendations of the Commission, the agency

does not concur, it shall so advise the Commission with its reasons therefor, and the Commission shall submit a final report within 30 days. After consideration of this final report the agency may proceed to take action in accordance with its legal responsibilities and authority.

"(b) Exceptions: The procedure prescribed in subsection 3 (a) hereof shall not apply to projects within the Capitol grounds or to structures erected by the National Military Establishment during wartime within military, naval, or Air Force reservations, except that the appropriate defense agency shall consult with the Commission as to any developments which materially affect traffic or require coordinated planning of the surrounding area.

"(c) Approval of buildings of the government of the District of Columbia: The provisions of section 16 of the act approved June 20, 1938 (52 Stat. 802), are extended to include public buildings erected by any agency of the District of Columbia government within boundaries of the central area of the District as said central area may be defined and from time to time redefined by the concurrent action of the Commission and the Board of Commissioners of the District of Columbia.

"(d) Approval of buildings and land use in environs: Within the environs, the location, height, bulk, number of stories, and size of Federal and District government buildings; the provision for open space in and around the same; and the general uses of land by any agency of the Federal or District governments, shall be subject to the approval of the Commission, unless such construction has been specifically approved by an act of Congress. In carrying out this subsection 3 (d) the Commission shall, so far as practicable, seek the advice of the appropriate local or regional planning agency having jurisdiction over the affected part of said environs.

"Sec. 4. Thoroughfare plan.—

"(a) Preparation and adoption of thoroughfare and transportation plans.—As elements of the comprehensive plan described in section 2 above, the Commission shall prepare a major thoroughfare plan and a public transportation plan. The major thoroughfare plan may include established and proposed routes. Following the preparation and adoption by the Commission of the major thoroughfare plan, that part of the plan within the District of Columbia shall be submitted to the Board of Commissioners of the District of Columbia and if approved by them shall be deemed to be the approved plan. Revisions in the major thoroughfare plan shall similarly require the adoption by the Commission and approval by the Board of Commissioners of the District of Columbia. The public transportation plan for the area within the District of Columbia shall be prepared, adopted, approved, or revised in the same manner as prescribed in subsection 4 (a) hereof except that the Joint Board provided for in section 6 (e) of the District of Columbia Traffic Act, 1925, as amended (sec. 606 (e), title 40, D. C. Code), shall be responsible for its approval and approval of subsequent revisions. Revision of the major thoroughfare plan and the public transportation plan within the District of Columbia may be proposed by the Commission and may also be proposed by the Board of Commissioners of the District of Columbia in respect to the thoroughfare plan and by said Joint Board in respect to the public transportation plan.

"(b) Thoroughfare plan for environs: The Commission, in consultation with the Public Roads Administration and the appropriate State and local authorities, shall prepare and from time to time amend or extend a thoroughfare plan for the environs, which shall be coordinated with that for the District of Columbia and may include existing or pro-

posed highways. Following the approval of such plan by the Commission, it shall be submitted to the Public Roads Administration as a guide to portions of the plan included or to be included in the Federal aid highway system and treated in the same manner as is provided in subsection 3 (a) hereof.

"Sec. 5. Six-year public works program: The Commission shall maintain a 6-year program of public-works projects. To this end each Federal agency and the Board of Commissioners of the District of Columbia shall submit to the Commission in the first quarter of each fiscal year a copy of its advance program of capital improvements within the National Capital and its environs. The Commission may also request similar submission from appropriate State and other public agencies in the environs. Based upon such proposals, together with its own estimate of general requirements, the Commission shall prepare and keep up to date its program of capital improvements, which shall be available for the consideration of the proper District and Federal budgeting and appropriating authorities.

"Sec. 6. Zoning and subdivision functions:

"(a) Review of amendments of zoning regulations and maps: It shall be the duty and function of the Commission to make a report and recommendation to the Zoning Commission of the District of Columbia on proposed amendments of the zoning regulations and maps as to the relation or conformity of such amendments with the comprehensive plan of the District of Columbia. For this purpose, the Commission shall be furnished the necessary maps and records, including the reports of the Zoning Advisory Council, a reasonable time in advance of the public hearing on said amendment or amendments.

"(b) Proposed zoning regulation and zoning map amendments: It shall be the duty of the Commission at its discretion to submit to the said Zoning Commission proposed amendments to the zoning regulations or the zoning map for said District.

"(c) Further report on zoning matters: When requested by a properly authorized representative of the Commission, the Zoning Commission may recess for a reasonable period of time any public hearing held by it to consider a proposed amendment to the zoning regulations or map, in order that the Commission or its representative may have an opportunity to present to the Zoning Commission a further report on the proposed amendment.

"(d) Zoning Committee: The functions vested in the Commission pursuant to this section may, to such extent as the Commission shall determine, and subject to confirmation by the Commission, be performed by a committee of the Commission which shall be known as the Zoning Committee and shall consist of the Chairman of the Commission who shall be chairman of such committee, and of not less than two other members of the Commission designated by the Commission for the purpose. The number of members serving on the Zoning Committee may be varied from time to time.

"(e) Recommendations as to platting and subdividing of lands: Any proposed change in or addition to the regulations or general orders regulating the platting and subdividing of lands and grounds in the District of Columbia shall first be submitted to the Commission by the Board of Commissioners of the District of Columbia for report and recommendation prior to adoption by such Board. Should the Board not concur in the recommendations of the Commission, it shall so advise the Commission with its reasons therefor and the Commission shall submit a final report within 30 days. After consideration of this final report, the Board may proceed to take action in accordance with its legal responsibilities and authority. It shall

be the duty of the Commission to submit any proposed changes in or amendments to the general orders that the Commission considers appropriate and the Board of Commissioners shall treat the amendments proposed in the same manner as other proposed amendments.

"Sec. 7. Transfers from predecessor agency: All other functions, powers, and duties of the National Capital Park and Planning Commission, including those formerly vested in the Highway Commission established by the act of March 2, 1893 (27 Stat. 532), together with the personnel, records, property, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the National Capital Park and Planning Commission, are hereby transferred to the Commission.

"Sec. 8. Appropriations: There are hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated and in any appropriate appropriation act other than the annual District of Columbia Appropriation Act, such sums as may be necessary to carry out the provisions of sections 1 to 7 of this act, as amended, any existing provisions of law to the contrary notwithstanding."

CONSOLIDATION OF GENERAL APPROPRIATION BILLS

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 18) providing for the consolidation of general appropriation bills, and for other purposes, which had been reported from the Committee on Rules and Administration, with amendments, on page 1, at the beginning of line 7, to strike out "subsection" and insert "subsections"; and on page 5, after line 8, to insert:

(d) The Secretary of the Treasury is authorized when requested by the chairman of the Committee on Appropriations of the Senate or by the chairman of the Committee on Appropriations of the House of Representatives to transmit to said chairman, as soon as possible, a current estimate of the over-all Federal receipts for the ensuing fiscal year.

So as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That, effective on the first day of the second regular session of the Eighty-first Congress, the joint rule of the Senate and of the House of Representatives contained in section 138 of the Legislative Reorganization Act of 1946 is amended by adding at the end thereof the following new subsections:

"(c) (1) All appropriations for each fiscal year shall be consolidated in one general appropriation bill to be known as the 'Consolidated General Appropriation Act of _____' (The blank to be filled in with the appropriate fiscal year). The consolidated general appropriation bill may be divided into separate titles, each title corresponding so far as practicable to the respective regular general appropriation bills heretofore enacted. As used in this paragraph the term 'appropriations' shall not include deficiency or supplemental appropriations, appropriations under private acts of Congress, or rescissions of appropriations.

"(2) The consolidated general appropriation bill for each fiscal year, and each deficiency and supplemental general appropriation bill containing appropriations available for obligation during such fiscal year, shall contain provisions limiting the net amount to be obligated during such fiscal year in the case of each appropriation made therein which is available for obligation beyond the close of such fiscal year. Such consolidated general appropriation bill shall also contain

provisions limiting the net amounts to be obligated during such fiscal year from all other prior appropriations which are available for obligation beyond the close of such fiscal year. Each such general appropriation bill shall also contain a provision that the limitations required by this paragraph shall not be construed to prohibit the incurring of an obligation in the form of a contract within the respective amounts appropriated or otherwise authorized by law, if such contract does not provide for the delivery of property or the rendition of services during such fiscal year in excess of the applicable limitations on obligations. The foregoing provisions of this paragraph shall not be applicable to appropriations made specifically for the payment of claims certified by the Comptroller General of the United States and of judgments, to amounts appropriated under private acts of Congress, to appropriations for the payment of interest on the public debt, or to revolving funds or appropriations thereto.

"(3) The committee reports accompanying each consolidated general appropriation bill, and any conference report thereon, shall show in tabular form, for information purposes, by items and totals—

"(A) the amount of each appropriation, including estimates of amounts becoming available in the fiscal year under permanent appropriations;

"(B) estimates of the amounts to be transferred between such appropriations;

"(C) estimates of the net amount to be expended in such fiscal year from each appropriation referred to in clause (A);

"(D) estimates of the net amount to be expended in such fiscal year from the balances of prior appropriations;

"(E) the totals of the amounts referred to in clauses (C) and (D); and

"(F) estimates of the total amount which will be available for expenditure subsequent to the close of such fiscal year from the appropriations referred to in clause (A).

The committee reports accompanying each deficiency and supplemental appropriation bill containing appropriations available for obligation or expenditure during such fiscal year, and each appropriation rescission bill, and any conference report on any such bill, shall include appropriate cumulative revisions of such tabulations.

"(4) The committee reports accompanying each consolidated general appropriation bill, and any conference report thereon, shall show in tabular form, for information purposes, for each wholly owned Government corporation or other agency of the Government which is authorized to receive and expend receipts without covering such receipts into the Treasury of the United States and which uses a checking account maintained with the Treasurer of the United States for that purpose (A) the estimated expenditures (other than retirement of borrowing) to be made out of such checking account for the fiscal year, (B) the estimated receipts (other than borrowing) to be deposited in such checking account for such fiscal year, and (C) the difference between (A) and (B).

"(5) The provisions of paragraphs (2), (3), and (4) shall not be applicable to appropriations of trust funds or to transactions involving public-debt retirement.

"(6) No general appropriation bill shall be received or considered in either House unless the bill and the report accompanying it conform with this rule.

"(7) The Appropriations Committees of the two Houses may hold hearings simultaneously on each general appropriation bill or may hold joint hearings thereon.

"(d) The Secretary of the Treasury is authorized when requested by the chairman of the Committee on Appropriations of the Senate or by the chairman of the Committee on Appropriations of the House of Representatives to transmit to said chairman, as

soon as possible, a current estimate of the over-all Federal receipts for the ensuing fiscal year."

The amendments were agreed to.

Mr. SALTONSTALL. Mr. President, do the amendments fill in the blank dates which are in the resolution?

The PRESIDING OFFICER. They do not.

Mr. SALTONSTALL. Mr. President, how can we pass a resolution with blank dates in it?

The PRESIDING OFFICER. The filling in of the blanks will be determined by the year in which the appropriation bill is passed.

Mr. SALTONSTALL. I am heartily in favor of the resolution; but I wondered what the effect would be on the next budget. It seems to me that the dates should be fixed.

The PRESIDING OFFICER. This is a concurrent resolution. It has to be adopted by the House before it can become effective.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield.

Mr. BYRD. The blank date will be the date fixed when the resolution becomes effective.

Mr. SALTONSTALL. Is it the opinion of the Senator from Virginia that the resolution is in proper form at this time?

Mr. BYRD. Yes.

Mr. SALTONSTALL. May I ask the Senator from Virginia if it would not be wise to fix some date when it is to become effective?

Mr. BYRD. It changes from year to year. Next year it will be consolidation of appropriation bills for 1950; the following year it will be for 1951.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The resolution, as amended, was agreed to.

SALARIES OF TEACHERS AND SCHOOL OFFICIALS OF THE DISTRICT OF COLUMBIA

The bill (H. R. 2437) to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes," approved July 7, 1947, was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 3363) to amend sections 356 and 365 of the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," to increase the maximum sum allowable by the court of the assets of a decedent's estate as a preferred charge for his or her funeral expenses from \$600 to \$1,000, was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

INVESTMENT OF INSURANCE FUNDS IN THE DISTRICT

The bill (S. 1490) to permit investment of funds of insurance companies organ-

ized within the District of Columbia in obligations of the International Bank for Reconstruction and Development was announced as next in order.

Mr. LANGER. Over.

Mr. FREAR. Mr. President, is it Calendar No. 621 to which the Senator objects?

Mr. LANGER. That is correct.

Mr. FREAR. Mr. President, will the Senator withhold his objection?

Mr. LANGER. Yes.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. FREAR. I shall not take that long.

The purpose of the bill is to authorize insurance companies organized within the District of Columbia to invest in securities issued or fully guaranteed by the International Bank for Reconstruction and Development. At the present time national and other commercial banks in the District of Columbia and trust funds in the District of Columbia are permitted to invest in such securities, but the applicable statutes have the effect of prohibiting such investment by insurance companies.

When the bank began operations on June 25, 1946, the statutes regulating institutional investment in most jurisdictions throughout the country had the effect of prohibiting investment in the International Bank's securities, as no such organization as the International Bank was contemplated at the time those statutes were drafted. Since that date a very large number of jurisdictions, by legislation or administrative ruling, have authorized such investment.

Legislation of a similar nature has been enacted by the following States: California, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Nebraska, New Jersey, New York, Pennsylvania, Virginia, and West Virginia.

The bill is purely permissive and does not require any company to make any such investment.

Mr. LANGER. Mr. President, I object. I do not believe in taking money belonging to policyholders and investing it in a corporation.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (S. 843) for the relief of S. M. Price was announced as next in order.

Mr. SCHOEPPPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

RELIEF OF CERTAIN CONSULTANTS OF THE FOREIGN ECONOMIC ADMINISTRATION

The Senate proceeded to consider the bill (H. R. 1950) for the relief of certain consultants formerly employed by the Technical Industrial Intelligence Committee of the Foreign Economic Administration, and for other purposes.

Mr. HENDRICKSON. Mr. President, reserving the right to object to the consideration of the bill, I send to the desk two amendments and ask to have them stated.

The PRESIDING OFFICER. The clerk will state the amendments.

The LEGISLATIVE CLERK. It is proposed to strike out on page 2, lines 14 and 15, and to insert in lieu thereof the following:

Sec. 3. No certificate or statement as to such items furnished such employees shall be required of them: *Provided*, That this section shall not be construed to waive the filing by such employees of any certificate or statement required to be submitted under existing law or regulation with reference to their per diem allowance exclusive of such items as defined in section 1.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment offered by the Senator from New Jersey [Mr. HENDRICKSON].

The LEGISLATIVE CLERK. It is proposed to strike out on page 5, line 10, and the period, and to insert "and shall be made within 1 year after the enactment of this act."

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SALES AND USE TAXES ON CIGARETTES

The bill (H. R. 195) to assist States in collecting sales and use taxes on cigarettes was announced as next in order.

Mr. LANGER. Mr. President, may we have an explanation?

Mr. KILGORE. Let the bill go over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

Mr. GEORGE. Mr. President, I do not see the majority leader present, but I imagine this bill will get a place on the calendar of business to be transacted at this session. I hope the policy committee will give consideration to that request at the meeting tomorrow.

Mr. MYERS. Mr. President, I can assure the Senator that the matter will be brought to the attention of the Policy Committee at its regular meeting tomorrow.

Mr. GEORGE. Mr. President, this is a bill to assist the States in collecting sales and use taxes on cigarettes, by requiring shippers in interstate commerce to report to the taxing authorities of the States into which cigarettes are sent the necessary data upon which to base assessments and collection of State cigarette taxes. It does not do more than that. It does involve a question of policy, but there is a question of avoidance of the payment of the tax on cigarettes in some States, and in some of the States the tax has gone up to as high as 8 cents a package.

Mr. KILGORE. Mr. President, my reason for asking that the bill go over was that I want it taken up when it can be discussed, because it does involve a matter of policy.

Mr. ANDERSON. Mr. President, I merely wish to say to the Senator from Georgia that I have had strong representations from my State, where the taxing officials are very anxious that this type of bill be enacted. They have no way whatever of enforcing their State laws, if they fail to have cooperation from the

Federal Government. This is one of the rare instances in which the Federal Government refuses to cooperate with the States. If a State wants to know what any man's income is, the Federal Government will supply the information to the State at once, but if it wants to know who is shipping in a package of cigarettes in violation of law, the Federal Government takes the position that it is not willing to cooperate. The Government is willing to let a State have the income-tax return of every man and corporation, but it is not willing to let the State know who brings in a carton of cigarettes in violation of the law. It is one place where the Federal Government refuses to cooperate with the States.

Mr. GEORGE. Mr. President, there is a good deal of pressure from more than a majority of the States, and that pressure is being exerted on the chairman of the Committee on Finance. I hope the policy committee will consider placing the bill upon the calendar of business. Its consideration will not take very long.

Mr. KILGORE. I wish to say to the Senator from Georgia and the Senator from New Mexico that one reason why I want the policy determined is illustrated by the fact that in the past when my State was dry and the Federal Government could license people to sell whisky in the State and yet refuse to acquaint the State authorities with that fact, and such condition still exists as to many more articles than cigarettes.

Mr. ANDERSON. Mr. President, if the Senator from Georgia will yield further, I wish to point out that merchants in the States are being handicapped by the inability of the States to enforce the laws. People can engage in the mail-order business of shipping cigarettes into a State in order to avoid the tax, although the merchant is trying to help in the collection of taxes. Many people are deprived of the benefit of old-age payments by the failure to have the tax collected. To deny the States cooperation is a disservice to those who depend on these taxes for old-age benefits, as is the case in many of the States of the Union. I think it is too bad that a bill like this should not be considered.

The PRESIDING OFFICER. The time of the Senator from Georgia has expired.

Mr. HENDRICKSON. Mr. President, I wish to associate myself with the distinguished Senator from Georgia in his request and to join the distinguished Senator from New Mexico in the statement he has made concerning the bill.

Mr. SALTONSTALL. Mr. President, I wish to add my word to those of the other Senators. We in Massachusetts would like to see this bill passed.

The PRESIDING OFFICER. Objection having been heard, the bill will be passed over and the clerk will state the next order of business.

Mr. FLANDERS. Has objection been made?

The PRESIDING OFFICER. Objection was heard.

Mr. LANGER. Mr. President, I did not object to the bill. I asked for an explanation.

The PRESIDING OFFICER. Is there objection?

Mr. KILGORE. I object.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

BILL PASSED OVER

The bill (H. R. 3905) to amend section 3121 of the Internal Revenue Code was announced as next in order.

Mr. LANGER. I should like to have an explanation of the bill.

Mr. GEORGE. Mr. President, I should like to have the bill considered, but I do not think it should be considered under the 5-minute rule. The bill itself is very simple, but a large number of amendments have been offered dealing with excise taxes, and I do not think it should be taken up on the call of the calendar.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

RESTOCKING AND CONSERVATION OF GAME IN THE EGLIN FIELD RESERVE

The bill (H. R. 2418) to authorize restocking, propagation, and conservation of game in the Eglin Field Reserve, was announced as next in order.

Mr. SCHOEPPPEL. Over.

Mr. HOLLAND. Mr. President, I ask the distinguished Senator to withhold his objection for a moment.

Mr. SCHOEPPPEL. Very well.

Mr. HOLLAND. Mr. President, this bill affects a bombing reservation at Eglin Field, Fla. The Eglin Field Reservation is a great area taking in most of two counties of Florida which was formerly the Choctawhatchee National Forest. It happens to be a splendid hunting and fishing territory, and special licenses are sold by the Air Force to citizens who desire to hunt and fish there.

The whole question is whether or not the license fees, which have accumulated to about \$10,000, and subsequent fees can be used for restocking the area with fish and game. The only problem that presents itself is that, in most such projects, the Fish and Wildlife Service is brought into play.

In this particular project the Air Force itself is the only agency which can properly handle this responsibility, because the range is used for service bombing, and at the time it is being so used no one can go on it. There are, likewise, certain areas from time to time where there are unexploded, undetonated bombs which have to be blocked off and policed, and it would be improper for anyone except the Air Force to say at what time the property shall be used, and under what conditions.

I hope the Senator will withdraw his objection, because as it is, the money is accumulating, without authority to the Air Force to use it for the purpose for which it was intended, and for which the Comptroller has not agreed to have it used, that is, to restock the area with fish and game. It is an exceedingly minor matter, but I see no other reasonable way in which it can be handled. I hope the distinguished Senator will withdraw his objection.

Mr. SCHOEPPPEL. I may suggest to the junior Senator from Florida that

certain amendments might remove some of the objections. The bill might be passed to the foot of the calendar.

Mr. HOLLAND. I shall be happy to have that done, but I hope the Senator will permit the bill to be passed, because otherwise the funds will accumulate, and not be used for the reasonable purpose for which they were intended.

The PRESIDING OFFICER. The bill will be passed over to the foot of the calendar.

LEASING OF SCHOOL LANDS IN WYOMING FOR MINERAL PURPOSES

The bill (S. 805) to amend section 5 of the act approved July 10, 1890, as amended, relating to the admission into the Union of the State of Wyoming, so as to permit the leasing of school lands within such State for mineral purposes for terms in excess of 10 years, was announced as next in order.

Mr. O'MAHONEY. Mr. President, there are two identical bills on the calendar. One is Senate bill 805, Calendar 673; and the other is House bill 2678, Calendar No. 674. I ask that the House bill be considered and passed, and that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 2678) to amend section 5 of the act approved July 10, 1890, as amended, relating to the admission into the Union of the State of Wyoming, so as to permit the leasing of school lands within such State for mineral purposes for terms in excess of 10 years, was considered, ordered to a third reading, read the third time, and passed.

Mr. O'MAHONEY. Mr. President, I ask that Senate bill 805 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the Senate bill is indefinitely postponed.

Mr. O'MAHONEY. Mr. President, I ask that the committee report on Senate bill 805, Report No. 674, be printed in full in the RECORD at this point.

There being no objection, the report (No. 674) was ordered to be printed in the RECORD, as follows:

The Senate Committee on Interior and Insular Affairs, to whom was referred the bill (S. 805) to amend section 5 of the act approved July 10, 1890, as amended, relating to the admission to the Union of the State of Wyoming, so as to permit the leasing of school lands within such State for mineral purposes for terms in excess of 10 years, having considered the same, report favorably thereon without amendment and with the recommendation that the bill do pass. An identical bill, H. R. 2678, which was referred to this committee, is also reported favorably without amendment.

This bill amends section 5 of the act providing for the admission of the State of Wyoming into the Union so as to permit Wyoming to issue mineral leases for periods of over 10 years on land granted to the State by said act. No expenditure of Federal funds is required.

This bill would permit the State to issue mineral leases on school land granted to the State under the enabling act beyond the present 10-year limitation for so long thereafter as mineral production continues. This conforms to the provisions in section 17 of the Federal Mineral Leasing Act of Febru-

ary 25, 1920 (41 Stat. 437), as amended. A similar amendment has been made to the respective enabling acts of Montana and Washington and is proposed for the State of Idaho.

The bill was introduced by Senator HUNT of Wyoming, who appeared before the committee urging its adoption. The Senator pointed out that in his experience as Governor of Wyoming he found that oil development was retarded on State lands by reason of the fact that explorations are now being carried to such great depths and at such tremendous expense that potential prospectors were discouraged from making necessary investments when limited to 10-year leases.

The favorable report of the Interior Department to the chairman of the committee under date of June 9, 1949, is hereinbelow set forth in full and made a part of this report as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., June 9, 1949.
HON. JOSEPH C. O'MAHONEY,
Chairman, Committee on Interior
and Insular Affairs,
United States Senate.

MY DEAR SENATOR O'MAHONEY: This is in reply to the request of your committee for a report on S. 805, introduced by Senator LESTER C. HUNT, a bill to amend section 5 of the act approved July 10, 1890, as amended, relating to the admission into the Union of the State of Wyoming, so as to permit the leasing of school lands within such State for mineral purposes for terms in excess of 10 years.

I have no objection to the enactment of the bill.

S. 805 would amend section 5 of the enabling act for Wyoming (act of July 10, 1890, 26 Stat. 222) so as to permit Wyoming to issue mineral leases for periods of over 10 years on land granted to that State by the said act. At present, the term of such leases on the grant lands may not exceed 10 years.

Section 4 of the enabling act granted to Wyoming sections 16 and 36 in every township for the support of the common schools. Section 5 of the enabling act authorized the leasing of the grant lands for periods of not more than 5 years. Under section 13 of that act, mineral lands were exempted from the grant, but Congress extended the grant to mineral lands under the act of January 25, 1927 (44 Stat. 1026, 43 U. S. C., sec. 870). The act of February 25, 1934 (48 Stat. 350), amended the enabling act to authorize the issuance of mineral and other leases for a term not longer than 10 years instead of the 5-year limitation in section 5 of the original enabling act. This bill would eliminate all limitations with respect to the term of mineral leases.

The statutory limitation in the act of July 10, 1890, as amended, with respect to the term of mineral leases is in conformity with the former provisions of section 17 of the Federal Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended March 4, 1931 (46 Stat. 1523). The limitation provision in the Mineral Leasing Act has been amended, however, by the act of August 21, 1935 (49 Stat. 674), and the act of August 8, 1946 (60 Stat. 951; 30 U. S. C., sec. 226), so that section 17 of the Mineral Leasing Act now provides that oil and gas leases shall be issued for a definite term and shall continue so long thereafter as oil or gas is produced in paying quantities.

I know of no reason which would militate against eliminating the existing provision which limits the term for mineral leases on school lands, as has already been done with respect to oil and gas leases on the public domain. Since this Department does not have jurisdiction over the lands after the State's title has become fixed, however, I

feel that the matter of liberalizing the enabling act poses a policy question for congressional rather than departmental consideration.

Since I understand your committee desires to hold an immediate hearing on this bill, this report has not yet been submitted to the Bureau of the Budget. I am, therefore, unable to advise you, at present, concerning its relationship to the program of the President.

Sincerely yours,

WILLIAM E. WARNE,
Acting Secretary of the Interior.

VALIDITY OF LAND TITLES UNDER RECLAMATION LAWS

The bill (S. 1606) to authorize the Secretary of the Interior to determine the validity of titles to lands acquired in the administration of the reclamation laws, was announced as next in order.

Mr. KILGORE. Mr. President, reserving the right to object, this bill would take from the Lands Division of the Department of Justice a substantial portion of its jurisdiction and duties. Consideration of this proposal should be given by the Committee on the Judiciary before it is considered in the Senate. Therefore, I move that the bill S. 1606, Calendar 685, be recommitted to the Committee on the Judiciary.

Mr. O'MAHONEY. Mr. President, when this bill was reached on the last call of the calendar, the chairman of the Committee on the Judiciary made allusion to the same situation to which the Senator from West Virginia now refers. I suggest that the bill be permitted to remain on the calendar while the Committee on the Judiciary makes its study. There is no need for taking the bill off the calendar. I think perhaps if we keep the bill on the calendar it may stimulate prompt action by the committee.

Mr. KILGORE. It is rather irregular, however, to study a bill which is not in committee.

Mr. O'MAHONEY. The procedure is perfectly clear. The same thing has been done on several occasions. I hope the Senator will not make the motion, because the understanding which was reached by the chairman of the Committee on Interior and Insular Affairs with the chairman of the Committee on the Judiciary, I think, will amply cover the situation.

Mr. KILGORE. I regret I cannot agree with my distinguished colleague from Wyoming.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. KILGORE] has moved that the bill be recommitted to the Committee on the Judiciary.

Mr. WATKINS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KILGORE. Mr. President, I object to the consideration and passage of the bill at this time.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 660) to amend the act of June 27, 1944, Public Law 359, and to preserve the equities of permanent classified civil-service employees of the United States, was announced as next in order.

Mr. SCHOEPPPEL. Mr. President, because of the importance of this measure, and the controversy which developed over it, I do not think it should be passed under the 5-minute rule.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

The bill (S. 1031) amending Public Law 49, Seventy-seventh Congress, providing for the welfare of coal miners, and for other purposes, was announced as next in order.

Mr. SCHOEPPPEL. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

TRAVEL EXPENSE ALLOWANCE FOR GOVERNMENT EMPLOYEE WITNESSES

The bill (H. R. 4875) to amend title 28 of the United States Code relating to travel expense allowances for Government employee witnesses, was considered, ordered to a third reading, read the third time, and passed.

JACK PHILLIPS

The bill (H. R. 1672) for the relief of Jack Phillips, was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF JAMES B. STIRLING, DECEASED

The Senate proceeded to consider the bill (H. R. 605) for the relief of the estate of James B. Stirling, deceased, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That jurisdiction is hereby conferred upon the United States District Court for the Northern District of New York to hear, determine, and render judgment upon the claim of Robina Stirling, as administratrix of the goods, chattels, and credits of James B. Stirling, deceased, for compensation for the death of the said James B. Stirling, which resulted from being struck by a Department of Justice automobile on New York State Route 5, Albany-Schenectady Road, Albany County, N. Y., on September 8, 1944.

Sec. 2. Suit upon such claim may be instituted at any time within 6 months after enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claim, and appeals from and payment of any judgment thereon, shall be in the same manner as in the case of claims over which such court has jurisdiction under the provision of section 1346 of title 28 of the United States Code.

Mr. HENDRICKSON. Mr. President, I offer an amendment to the committee amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment on page 2, line 14, after the word "claim", it is proposed to strike out the word "may" and to insert in lieu thereof the word "shall."

On page 2, line 14, after the words "instituted at any", it is proposed to strike out the word "time."

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

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

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

The bill was read the third time and passed.

BILL PASSED OVER

The bill (S. 1976) for the relief of Mrs. Juan Antonio Rivera, Mrs. Raul Valle Antelo, Mrs. Jorge Diaz Romero, Mrs. Otto Resse, and Mrs. Hugo Soria, was announced as next in order.

Mr. SCHOEPPPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF SECTION 6 OF FEDERAL AIRPORT ACT—BILL PASSED OVER

The bill (S. 1284) to amend section 6 of the Federal Airport Act, was announced as next in order.

Mr. FLANDERS. Mr. President, at the last call of the calendar I asked to have this bill passed over. I ask to have it passed over again, but it is not my expectation or desire that the proposed legislation shall not be passed. I think there will be an opportunity before the next call of the calendar to put it into such shape that it will be satisfactory to everyone concerned.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Vermont withhold his objection for a moment? Of course, if the Senator objects to consideration of the bill, I will have to accede.

Mr. FLANDERS. I shall withhold my objection for a moment.

Mr. JOHNSON of Colorado. Mr. President, this is a very worth-while measure. I am afraid that if the Senator objects to it now the consequence thereof will be that the bill will not be enacted. The purpose of the bill is to unfreeze funds which are now frozen, and to use them where they are badly needed in improving airports. Will the Senator from Vermont consent that the bill go to the foot of the calendar?

Mr. FLANDERS. I will say to the Senator from Colorado that I have so many irons in the fire at the moment that I would not be able to say now whether I would be free to take it up at that time. Briefly, I may state the nature of the objection, which is, that the practice with respect to this particular matter should follow as nearly as possible the same practice as is followed in the distribution of Federal highway funds.

Mr. JOHNSON of Colorado. If I may reply to the Senator, this is the difficulty: Appropriations which are made for the building of airports and the improvement of airports are divided into two classes by the law. Seventy-five percent of them go into one class, and that amount is allocated on the basis of the area of the State and the population of the State to the population area of the whole United States. Then 25 percent of it is allocated by the Administrator of Civil Aeronautics on the basis of need.

It so happens that about one-quarter of the States are unable to use at the present time the 75 percent which has

been allocated to them. So the funds are frozen. But the over-all need in the United States for airport improvement is very great. The bill places the ratio 60 to 40 instead of 75 to 25, and retains the two categories, but it also protects the State which has lost some of the frozen funds. They are no good to the State anyway, because they are frozen, and they lie here in the Treasury. But the bill would protect the State from which these funds have been taken by restoring to it, whenever it is ready with a particular project, a project on which the money is ready to be spent. The State is protected in the bill, and the money can be spent for that purpose. It is not lost to them. The bill simply provides a means of getting some action with respect to the money which has been appropriated by the Congress for a very worthy and badly needed program.

Mr. FLANDERS. Mr. President, I come from one of the States which has matched every dollar of Federal funds, and I shall have to give a little more thought to the matter of reducing the formula of allocation from 75 to 60 percent, in view of the interest of my State.

The PRESIDING OFFICER. Objection is heard.

Mr. HENDRICKSON. Mr. President, as a matter of information, I think Senators interested ought to know that the Senate Calendar committee of the minority has been working on amendments which, when cleared, I think will satisfy everyone.

The PRESIDING OFFICER. The bill will be passed over.

ADVANCES OF PAY TO CERTAIN MEMBERS OF THE ARMED FORCES

The bill (H. R. 4050) to authorize advances of pay to personnel of the armed services upon permanent change of station, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1536, Calendar 411, will be indefinitely postponed.

BILLS PASSED OVER

The bill (H. R. 4708) to amend the United Nations Participation Act of 1945 was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1681) to prohibit the picketing of courts was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1837) to amend the Trading With the Enemy Act was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SCHOEPPPEL. Mr. President, I object, by request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2319) to promote world peace and the general welfare, national interest, and foreign policy of the United States by providing aid to the Republic of Korea was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2294) to amend the Contract Settlement Act of 1944, so as to authorize the payment of fair compensation to persons contracting to deliver strategic or critical minerals or metals in cases of failure to recover reasonable costs, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1741) to extend the unemployment allowance benefits of the Servicemen's Readjustment Act of 1944 for a period of 2 years was announced as next in order.

Mr. SCHOEPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

APPOINTMENT OF PAUL A. SMITH AS REPRESENTATIVE TO COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

The bill (H. R. 4829) to authorize the President to appoint Paul A. Smith as representative of the United States to the Council of the International Civil Aviation Organization without affecting his status and perquisites as a commissioned officer of the Coast and Geodetic Survey, was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 4406) to provide for the settlement of certain claims of the Government of the United States on its own behalf and on behalf of American nationals against foreign governments, was announced as next in order.

Mr. SCHOEPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2886) to provide for the killing of starlings in the District of Columbia, was announced as next in order.

Mr. HENDRICKSON. Mr. President, by request, I object.

The PRESIDING OFFICER. The bill will be passed over.

INCREASE OF SUBSISTENCE EXPENSES ALLOWED JUDGES—BILL PASSED OVER

The bill (S. 48) to amend title 28, United States Code, section 456, so as to increase to \$15 per day the limit on subsistence expenses allowed to justices and judges traveling while attending court or transacting official business at places other than their official stations, and to authorize reimbursement for such travel by privately owned automobiles at the rate of 7 cents per mile, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. WHERRY. Mr. President, I ask that the bill be temporarily passed over until I can consult with the Senator from New Hampshire.

The PRESIDING OFFICER. Is there objection to the bill being placed at the foot of the calendar?

Mr. KILGORE. Mr. President, let me say to the distinguished Senator from Nebraska—

Mr. WHERRY. Mr. President, I withdraw the objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. DOUGLAS. Mr. President, I wonder if we might have an explanation of the bill?

Mr. KILGORE. Mr. President, there is a companion bill. I think it is House bill 2166, Calendar 932. I ask that the House bill be considered.

The PRESIDING OFFICER. Is there objection to the consideration of House bill 2166, Calendar 932?

There being no objection, the Senate proceeded to consider the bill (H. R. 2166) to amend title 28, United States Code, section 456, so as to increase to \$15 per day the limit on subsistence expenses allowed to justices and judges while attending court or transacting official business at places other than their official station, and to authorize reimbursement for such travel by privately owned automobiles at a rate of not exceeding 7 cents per mile.

Mr. KILGORE. I ask that the House bill be amended by striking out all after the enacting clause and substituting the text of Senate bill 48 as proposed to be amended by the committee.

Mr. DOUGLAS. Mr. President, do I correctly understand that whereas ordinary Government employees receive \$9 a day for traveling expenses, it is proposed to give judges \$15 a day?

Mr. KILGORE. Not to exceed \$15. They must keep an actual expense account.

Mr. DOUGLAS. If an allowance is made not to exceed \$15, is it not probable that \$15 will generally be claimed?

Mr. KILGORE. Judges have always received more than other employees. There is a certain dignity to their position which has always entitled them to receive a little more.

Mr. DOUGLAS. Mr. President, I shall have to object.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

EXEMPTION OF CERTAIN LANDS FROM EXCESS-LAND PROVISIONS OF THE FEDERAL RECLAMATION LAWS

The Senate proceeded to consider the bill (S. 1385) providing that excess land provisions of the Federal reclamation laws shall not apply to certain lands that will receive a supplemental water supply from the San Luis Valley project, Colorado, which was read as follows:

Be it enacted, etc., That the excess-land provisions of the Federal reclamation laws shall not be applicable to lands which now have an irrigation water supply from sources other than a Federal reclamation project and which will receive a supplemental supply from the San Luis Valley project, Colorado.

Mr. DOUGLAS. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Illinois will be stated.

The LEGISLATIVE CLERK. In line 7, before the period, it is proposed to insert a colon and the following: "Provided, however, That in lieu of the acreage limitation contained in such provisions, the lands in such project provided with an

additional water supply from said project shall be subject to a limitation of 480 acres: *Provided further*, That the provisions of this act are intended to meet the special conditions existing in the San Luis project, Colorado, and shall not be considered as altering the general policy of the United States with respect to reclamation project land limitations."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois.

Mr. MAGNUSON. Mr. President, I ask the Senator from Illinois if he is convinced that this amendment would protect the rights which now exist in other irrigation districts.

Mr. DOUGLAS. It is expressly stated that the situation of the San Luis project is an exception, and does not constitute a fundamental change in the irrigation law imposing a limitation of 160 acres of land to be serviced with water.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois.

The amendment was agreed to.

Mr. LANGER. Mr. President, may we have the amendment read again? I could not hear it.

The PRESIDING OFFICER. The amendment will again be stated.

The LEGISLATIVE CLERK. In line 7, before the period, it is proposed to insert a colon and the following: "Provided, however, That in lieu of the acreage limitation contained in such provisions, the lands in such project provided with an additional water supply from said project shall be subject to a limitation of 480 acres: *Provided further*, That the provisions of this act are intended to meet the special conditions existing in the San Luis project, Colorado, and shall not be considered as altering the general policy of the United States with respect to reclamation project land limitations."

The PRESIDING OFFICER. 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.

BILLS PASSED OVER

The bill (H. R. 2432) restoring to tribal ownership certain lands upon the Colville Indian Reservation, Wash., and for other purposes was announced as next in order.

Mr. WILLIAMS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 75) authorizing the construction, operation, and maintenance of a dam and incidental works in the main stream of the Colorado River at Bridge Canyon, together with certain appurtenant dams and canals, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 806) authorizing the erection of a monument to Sacajawea was announced as next in order.

Mr. LANGER. Over.

The PRESIDING OFFICER. The bill will be passed over.

COMPENSATION FOR CERTAIN EMPLOYEES OF THE GOVERNMENT—BILL PASSED OVER

The bill (H. R. 3191) to amend the act approved September 7, 1916 (ch. 458, 39 Stat. 742), entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," as amended, by extending coverage to civilian officers of the United States and by making benefits more realistic in terms of present wage rates, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, reserving the right to object, I should like to ask if the Senator from Illinois [Mr. DOUGLAS] expects to propose an amendment to meet the objections of the Senator from Oregon [Mr. MORSE].

Mr. DOUGLAS. Mr. President, in view of the fact that the distinguished majority leader says that this bill will be listed for discussion and action immediately after the postal service pay bill, and in view of the importance of the subject, I think we should have a longer time for discussion than would be permitted under the 5-minute rule, so I suggest that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

CONVEYANCE TO TEMPLE METHODIST CHURCH, SAN FRANCISCO, CALIF., OF CERTAIN FEDERALLY OWNED PROPERTY

The Senate proceeded to consider the bill (S. 384) to authorize the Commissioner of Public Buildings to convey to the Temple Methodist Church, a non-profit corporation, of San Francisco, Calif., a portion of the federally owned building known as 100 McAllister Street, San Francisco, Calif., and for other purposes, which had been reported from the Committee on Public Works, with amendments, on page 1, line 3, after the word "the", to strike out "Commissioner of Public Buildings" and insert "Administrator of General Services"; on page 2, line 5, after the word "the", to strike out "Commissioner of Public Buildings" and insert "Administrator of General Services"; in line 7, after the word "the" where it occurs the second time, to strike out "Commissioner of Public Buildings" and insert "Administrator of General Services"; in line 11, after the word "conveyed", to strike out "final" and insert "the"; in the same line, after the word "decision", to strike out "thereon shall be made by the Federal Works Administrator" and insert "of the Administrator thereon shall be final"; after line 13, to strike out:

SEC. 3. The Commissioner of Public Buildings is authorized to lease to the Temple Methodist Church the two rooms on the second floor in the east wing of the building fronting on McAllister Street, for such period as the Government holds title to the property and for a consideration of \$1 per year.

After line 19, to strike out:

SEC. 4. The Commissioner of Public Buildings is authorized to lease to the Temple

Methodist Church additional space on the third and fourth floors of the east wing of the building for such period as the Government holds title to the property and at rates charged for comparable commercial space.

On page 3, at the beginning of line 1, to strike out "SEC. 5. The Commissioner of Public Buildings" and insert:

SEC. 3. The conveyance authorized by the first section of this act shall be made only if (a) the property authorized to be conveyed is vacated by the cashier's division of the office of the collector of internal revenue for the first district of California within 10 years from the date of enactment of this act, and (b) notice of its desire to purchase such property is given by the Temple Methodist Church within 6 months from the date of receipt of notification that such property has been so vacated, which notification shall be promptly given by the Administrator of General Services.

After line 11, to insert:

SEC. 4. During any period within which any portion of the building referred to in the first section of this act is owned or occupied by the United States, or any department or agency thereof, the Administrator of General Services.

So as to make the bill read:

Be it enacted, etc., That the Administrator of General Services is hereby authorized and directed to convey to the Temple Methodist Church, of San Francisco, Calif., for a consideration of \$100,000, such portions of the federally owned building at 100 McAllister Street, San Francisco, Calif., located generally in the west wing thereof, as he determines were formerly used for church purposes and can be conveyed without adversely affecting the use or disposal of the remainder of said building by the Government. The conveyance shall be upon such terms as the Administrator of General Services may deem to be in the public interest.

SEC. 2. In the event that the Administrator of General Services and the Temple Methodist Church are unable to agree on the terms of the conveyance, or on the portion of said building to be conveyed, the decision of the Administrator thereon shall be final.

SEC. 3. The conveyance authorized by the first section of this act shall be made only if (a) the property authorized to be conveyed is vacated by the cashier's division of the office of the collector of internal revenue for the first district of California within 10 years from the date of enactment of this act, and (b) notice of its desire to purchase such property is given by the Temple Methodist Church within 6 months from the date of receipt of notification that such property has been so vacated, which notification shall be promptly given by the Administrator of General Services.

SEC. 4. During any period within which any portion of the building referred to in the first section of this act is owned or occupied by the United States, or any department or agency thereof, the Administrator of General Services is authorized to furnish utility services to the conveyed property at the cost thereof and upon such further terms as he may deem in the public interest.

The amendments were agreed to.

Mr. HENDRICKSON. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from New Jersey will be stated.

The LEGISLATIVE CLERK. On page 1, line 6, it is proposed to strike out the words "for a consideration of \$100,000" and substitute in lieu thereof "at the appraised fair-market value."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey.

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, I ask that the bill go over at this time.

The PRESIDING OFFICER. All the amendments to the bill have been agreed to.

Mr. DOWNEY. Mr. President, I ask the Senator to reserve or withhold his objection.

Mr. WILLIAMS. Mr. President, I wish to study the amendment. Perhaps I shall withdraw the objection. But at the present time I object to the passage of the bill.

Mr. DOWNEY. Mr. President, I wonder whether the Senator would agree to have the bill go temporarily to the end of the calendar. The bill was under consideration for many months by the Committee on Public Works. After we had unanimously agreed to it, we were in consultation for some time with the members of the minority calendar committee; and upon the preparation of certain amendments by that committee, which amendments have been adopted, we were assured by the committee that it would make no objection.

If the Senator from Delaware would withhold his objection, I would appreciate it very much.

Mr. WILLIAMS. Mr. President, I have no objection to having the bill go to the foot of the calendar. However, I wish to point out that, as the Senator from California knows, the building originally was an office building which the church in San Francisco built, and now the church is trying to repurchase a portion of the office building, for the purpose of using it as a church. But, if I am not mistaken, the Government would still have approximately \$2,500,000 invested in the office building. If the lower portion of the office building were occupied as a church, that would ruin the value of the building as an office building. I do not think the Government had any business buying the building in the first place; but under the circumstances, I question the wisdom of having a church buy back a part of it.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

The clerk will state the next measure on the calendar.

COMPENSATION OF CERTAIN EMPLOYEES OF THE PANAMA CANAL

The bill (S. 2226) relating to the compensation of certain employees of the Panama Canal was announced as next in order.

Mr. HENDRICKSON. May we have an explanation of the bill, Mr. President?

Mr. JOHNSTON of South Carolina. Mr. President, when the Congress passed the bill giving to Federal employees in the District of Columbia and to other Federal Government employees in the United States a \$330 increase in pay, the Panama Canal employees did not receive that increase. This bill provides for that payment to them.

Mr. HENDRICKSON. I wonder whether the Senator from South Caro-

lina can give us an estimate of the annual cost of the bill.

Mr. JOHNSTON of South Carolina. I do not have information as to the exact cost, but the cost per month is not large.

Mr. HENDRICKSON. Does the Senator know how many employees there are in the Panama Canal Zone?

Mr. JOHNSTON of South Carolina. I do not have the record before me at this time.

I think the Senator was on the committee when we discussed this matter. The committee was unanimous in reporting the bill, according to my recollection.

Mr. HENDRICKSON. I have no objection, but I think we should have an estimate of the cost.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Be it enacted, etc., That the additional compensation to which policemen, firemen, and school teachers employed by the Panama Canal are entitled by reason of the enactment of the act entitled "An act to increase the compensation of certain employees of the municipal government of the District of Columbia, and for other purposes," approved June 30, 1949, shall commence as of the first day of the first pay period which began after June 30, 1948.

Sec. 2. No retroactive compensation shall be payable by reason of the enactment of this act in the case of any person who is not an employee of the Panama Canal on the date of enactment of this act, except that such retroactive compensation shall be paid a retired employee for services rendered between the first day of the first pay period which began after June 30, 1948, and the date of his retirement.

BASIC COMPENSATION FOR CERTAIN GOVERNMENT EMPLOYEES — BILL PASSED OVER

The PRESIDING OFFICER. The clerk will state the next measure on the calendar.

The bill (S. 2379) to establish a standard schedule of rates of basic compensation for certain employees of the Federal Government; to provide an equitable system for fixing and adjusting the rates of basic compensation of individual employees; to repeal the Classification Act of 1923, as amended; and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, I think this bill is too important to be passed during the call of the calendar. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HENDRICKSON. Mr. President, let me say that although I objected, I am in complete sympathy with the purposes of the bill. I think, however, it should be considered in connection with the other pay bills. I think it is too important to be passed under the 5-minute rule during the call of the Consent Calendar.

Mr. WHERRY. Mr. President, is this not one of the pay bills which is to be

considered immediately following the call of the calendar?

Mr. HENDRICKSON. I would say the bill should be considered along with the other pay bills, as they come along, one after another.

Mr. WHERRY. That is correct.
The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (H. R. 1758) to amend the Natural Gas Act approved June 21, 1938, as amended, was announced as next in order.

Mr. LANGER. Let the bill go over.
The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1439) to provide for assistance to State agencies administering labor laws in their efforts to promote, establish, and maintain safe work places and practices in industry, thereby reducing human suffering and financial loss and increasing production through safeguarding available manpower was announced as next in order.

SEVERAL SENATORS. Over.
The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

ADDITIONAL BENEFITS FOR CERTAIN POSTMASTERS AND EMPLOYEES IN THE POSTAL FIELD SERVICE—BILL PASSED OVER

The bill (S. 1772) to provide additional benefits for certain postmasters, officers, and employees in the postal field service with respect to annual and sick leave, longevity pay, compensatory time, and promotions, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, reserving the right to object, let me say that I am in complete sympathy with the purposes of the bill, but I think it should be considered in connection with the other pay bills. I think it is too important to be passed under the 5-minute rule.

Mr. WHERRY. This is one of the pay bills which are to be considered immediately following the call of the calendar, is it not?

Mr. HENDRICKSON. I would say the bill should be considered along with the other pay bills, as they come up, one after another.

Mr. WHERRY. That is correct.
The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

LEASES OF PUBLIC LANDS BY IDAHO FOR EDUCATIONAL PURPOSES.

The bill (H. R. 4943) to amend the act providing for the admission of the State of Idaho into the Union by increasing the period for which leases may be made of public lands granted to the State by such act for educational purposes was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

EXECUTIVE PAY BILL—BILL PASSED OVER

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

The bill (H. R. 1689) to increase the rates of compensation of the heads and assistant heads of executive departments and independent agencies was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. WILLIAMS. Mr. President, I think this bill should be made the next order of business following the call of the calendar, along with the other pay bills.

Mr. WHERRY. Mr. President, I ask unanimous consent that we may return to Senate bill 1772, Calendar No. 875, in order that I may state that I did not object to the present consideration of the bill. I simply stated that I understood that it was contemplated that it was one of the pay bills which was to be brought up for consideration following the call of the calendar. If the Senate cares to have the bill passed during the call of the calendar, that will be perfectly agreeable to me.

Mr. HENDRICKSON. Mr. President, that was my thought in interposing the objection. But since then I have discussed the matter with the Senator from North Dakota. After having an explanation of the bill and of what has been done in connection with it, I think it would be perfectly agreeable to have the bill taken up.

The PRESIDING OFFICER. Is there objection to the request to return to Calendar No. 875, Senate bill 1772?

Mr. HENDRICKSON. Mr. President, I wish the RECORD to show that I have withdrawn my objection.

Mr. WILLIAMS. Mr. President, the other day the majority leader said that immediately following the call of the calendar he would have the Senate take up the series of pay bills, and included in them was House bill 1689, which was just called, and also Senate bill 1772, the bill to which the Senator from Nebraska has just asked to have the Senate return. I think all these pay bills should be considered at one time, as the majority leader indicated it was his intention to do, with one pay bill to follow immediately after another. So I shall ask that all the pay bills go over until that time.

The PRESIDING OFFICER. Objection is heard to the request of the Senator from Nebraska.

Objection is also heard to the present consideration of House bill 1689, and the bill will be passed over.

The clerk will state the next measure on the calendar.

BILLS AND CONCURRENT RESOLUTION PASSED OVER

The bill (S. 2246) to amend the National Housing Act, as amended, and for other purposes, was announced as next in order.

Mr. SCHOEPEL. Mr. President, by request, I ask that the bill go over.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

The bill (H. R. 5327) to continue until the close of June 30, 1950, the suspension of duties and import taxes on metal scrap, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Let the bill go over.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

The clerk will state the next measure on the calendar.

The concurrent resolution (H. Con. Res. 62) creating a Joint Committee on Lobbying Activities was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. Objection being heard, the concurrent resolution will be passed over.

AIRPORT PROJECTS IN THE VIRGIN ISLANDS

The bill (S. 2360) to amend the Federal Airport Act so as to authorize appropriations for projects in the Virgin Islands was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 5 (c) of the Federal Airport Act is amended to read as follows:

"(c) For the purpose of carrying out this act with respect to projects in the Territories of Alaska and Hawaii, and in Puerto Rico and the Virgin Islands, annual appropriations amounting in the aggregate to \$20,000,000 are hereby authorized to be made to the Administrator over a period of seven fiscal years beginning with the fiscal year ending June 30, 1947. The appropriation for any such fiscal year shall remain available until June 30, 1953, unless sooner expended. Not to exceed 5 percent of any such annual appropriation, as specified in the act making such appropriation, shall be available to the Administrator for necessary planning and research and for administrative expenses incident to the administration of this act with respect to projects in the Territories of Alaska and Hawaii, and in Puerto Rico and the Virgin Islands; and the amount so available shall be deducted from such appropriation for purposes of determining the amount thereof available for grants for projects therein. Of the total amount available for such grants, 45 percent shall be available for projects in the Territory of Alaska, 25 percent shall be available for projects in the Territory of Hawaii, 25 percent shall be available for projects in Puerto Rico, and 5 percent shall be available for projects in the Virgin Islands."

SAMUEL M. INMAN—BILL PASSED OVER

The bill (S. 73) for the relief of Samuel M. Inman was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GEORGE. Mr. President, there is an important amendment to be offered to the bill. I would not care to take up the amendment in the absence of the chairman of the Judiciary Committee. I thought I would have an opportunity to confer with him before the call of the calendar. However, he is away, as the Senate knows.

Therefore, I ask that the bill go over, without prejudice, until his return.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

LANDS ON THE CABAZON, AUGUSTINE, AND TORRES-MARTINEZ INDIAN RESERVATIONS IN CALIFORNIA

The Senate proceeded to consider the bill (H. R. 4584) to provide for disposition of lands on the Cabazon, Augustine, and Torres-Martinez Indian Reservations in California, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 6, in line 13, after the word "amount" to strike out "acquired" and insert "(not to exceed \$5,000) required."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. SCHOEPPPEL. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amount will be stated.

The LEGISLATIVE CLERK. It is proposed to strike out, on page 6, lines 23-25; to strike out, on page 7, lines 1-14; to change subsection "(c)" to subsection "(b)", and to insert in lieu thereof the following:

SEC. 8. (a) That any restricted Indian land, whether individually or tribally owned may be leased by the Indian owners in accordance with the provisions of section 4 of the act of June 25, 1910 (36 Stat. 856), and such lands of deceased Indians may be leased for the benefit of their heirs or devisees as provided for by the act of July 8, 1940 (54 Stat. 745).

Also to strike out, on page 8, line 6, after the word "advance" the words "unless so provided in the lease," and insert a "period", and to change subsection "(d)" to subsection "(c)."

Also to strike out, on page 8, lines 7-11.

Mr. LANGER. Mr. President, I object to the present consideration of the bill. Let it go over.

The PRESIDING OFFICER. Does the Senator object to the amendment?

Mr. LANGER. Mr. President, I object to the amendment. I may say that I went out there and made a thorough investigation of the Torres-Martinez Indian land. I think it is a crime the way those Indians in California have been treated. I am going to object and continue to object until this matter is debated on the floor of the Senate.

Mr. DOWNEY. Mr. President, let me say that I am totally at a loss to understand what the distinguished Senator from North Dakota is talking about. This bill is clearly for the benefit of the Indians, and it will make their lands much more valuable. Passage of the bill is desired by the tribal council and by the Department of the Interior. If the Senator knows something that is not known by the Committee on Interior and Insular Affairs, of course we should be happy to be apprised of the facts he has in his possession.

Mr. LANGER. Mr. President, if the Senator will yield for a question, does he mean to tell the Senate that the chief of the Torres-Martinez group agreed to this proposal?

Mr. DOWNEY. I am informed that the tribal council of the Indians owning this land agreed to it. Who the chief of any particular tribe is or what he may

have said, I do not know. It would seem to me to be a bill which would give the lands of these Indians the very valuable benefits of the Coachella irrigation system. Without this bill, the Indian lands would be excluded from the benefit of irrigation. If the Senator has any facts which have not been divulged to me or to the other representatives of California, or to the Department of the Interior, I, of course, would be happy to know them. We think the bill is essential for the benefit of the Indians themselves.

Mr. LANGER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from North Dakota for a question?

Mr. DOWNEY. I yield.

Mr. LANGER. The 300 members of the Torres-Martinez Tribe, living in abject poverty, advised me when I was there that before any arrangement could be made in order to get water on the Indian land, the land was turned over or agreed to be turned over to white men. In the neighboring town of Palm Springs, where an Indian had had a parking lot for 36 years when he died—and the Secretary of the Interior made an order that all the land was community property—believe it or not, they took that little parking lot away from the widow of the Indian.

I have no objection to the bill coming up for a vote, any time the Senator wishes, so far as I am concerned. But I believe the Senate ought to be advised as to what is taking place in the case of the Torres-Martinez Tribe.

Mr. DOWNEY. Mr. President, in view of the further comments of the distinguished Senator from North Dakota, let me say that the Government has recently completed an irrigation system in that area known as the Coachella. There are within the physical boundaries of that area large holdings of Indian lands which are virtually worthless. The Indians are living in poverty. We have endeavored to work out this highly technical bill in such a way that the poverty of the Indians may be relieved and they may be given the benefits of irrigation. Under the fundamental law, lands belonging to the Indians cannot be subject to any lien, including the lien of an irrigation district, and we have here endeavored to devise a system under which, very safely, securely, and economically, all of us believe the Indians may be given the benefit of irrigation rights.

I may say the law was under careful consideration for some time. I have heard no such facts advanced by anyone as are now being advanced by the senior Senator from North Dakota, and I shall be most happy if he will lay before me the particular facts upon which he relies in making the extraordinary charges he has here made.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. DOWNEY. I am very happy to yield.

Mr. LANGER. I suggest that the Senator investigate the situation. In the middle of the tract there is a beautiful date farm, operated by the Indians. I suggest the Senator look at that tract

with the beautiful house on it. A white man got it for \$100 a year, including all the dates. That one deal convinced me the Indians there had been systematically robbed for years.

Mr. DOWNEY. Mr. President, if I may make a further comment, I know nothing about the incident of which the Senator speaks; but it has absolutely no connection with the provisions of the bill. It has nothing to do with it. I may say further that there on the desert lands the Indians have rented 1 acre or 2 acres on which someone has made improvements, at much expense, and from which Indians may be getting considerable revenue, whereas they would not otherwise be getting any. Of course, the land might have looked very valuable to someone who knew nothing about it and did not know that all the burden of the expense of building the beautiful home and the date farm had been borne by white men, if that is the fact.

The PRESIDING OFFICER. The time of both Senators has expired.

Mr. LANGER. Mr. President, I merely want to say that the farm consists of 28 acres of very valuable land, and is located near a little town called Indio.

The PRESIDING OFFICER. As the Chair understands, objection is made.

Mr. LANGER. I object.

The PRESIDING OFFICER. The bill will be passed over.

EXCHANGE OF CERTAIN LANDS IN NORTH CAROLINA

The bill (H. R. 2876) to effect an exchange of certain lands in the State of North Carolina between the United States and the Eastern Band of Cherokee Indians, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

CONSTRUCTION AT MILITARY AND NAVAL INSTALLATIONS

The bill (S. 2440) to authorize certain construction at military and naval installations, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. I ask that the bill go over.

Mr. SALTONSTALL. Mr. President, if the Senator from New Jersey will kindly withhold his objection for a moment, and reserve his right to object, I should like to say that this bill involves \$634,000,000 of authorizations which undoubtedly should be carefully considered. I should also like to call to the attention of the Senator the fact that there is approximately \$130,000,000 worth of housing construction in Alaska which is vitally important. I hope the bill will not be passed over for too long a time.

Mr. HENDRICKSON. Mr. President, it was not the intention of the junior Senator from New Jersey to delay action on the bill for any extended length of time, but I think it is a type of legislation which should be carefully considered. That was the only reason for my objection.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HENDRICKSON. I yield.

Mr. MAGNUSON. I merely want to join with the Senator from Massachusetts in what he has said, because the

major portion of the bill involves the question of military housing in Alaska. The situation in Alaska is very acute. It has been brought to the attention of the public in the past 2 or 3 weeks, particularly with respect to the acute situation in the Aleutian Islands and at some of the air bases. I hope we can get together on the bill. It involves a great deal of money.

Mr. HENDRICKSON. I shall be very glad to keep in mind the statement made by the Senator from Washington.

The PRESIDING OFFICER. Objection having been made, the bill will be passed over.

BILL PASSED OVER

The bill (H. R. 2166) to amend title 28, United States Code, section 456, so as to increase to \$15 per day the limit on subsistence expenses allowed to justices and judges while attending court or transacting official business at places other than their official station, and to authorize reimbursement for such travel by privately owned automobiles at a rate of not exceeding 7 cents per mile, was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. DOUGLAS. I object.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

The Senate proceeded to consider the bill (H. R. 5465) to amend section 4 of the Civil Service Retirement Act of May 29, 1930, as amended.

Mr. HILL. Mr. President, I have an amendment on the desk, which I call up. I should like to have the attention of the distinguished Senator from South Carolina, the chairman of the committee.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Alabama.

The LEGISLATIVE CLERK. It is proposed to strike out lines 10 and 11, and insert:

SEC. 2. The amendment made by the first section of this act shall not apply in the case of any referee in bankruptcy holding that office on or after July 1, 1947, but in no case shall the life annuity of any such referee exceed \$10,000.

SEC. 3. The amendment made by the first section of this act shall be effective as of April 1, 1948.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. HILL].

Mr. WILLIAMS. Mr. President, I object to the adoption of this amendment, because it completely nullifies what the bill undertakes to do. The amendment is not recommended by the Civil Service Commission, as has been represented heretofore on the floor of the Senate. I have a letter dated September 2, signed by Harry B. Mitchell, Chairman of the Civil Service Commission, in which he says the Commission does not recommend this particular amendment to the bill, and he further points out in the letter that the practical effect of the amendment will be to render the first section of the bill inoperative in its application to referees in bankruptcy.

Mr. President, this bill was sponsored to clear up a situation wherein a person would receive \$17,500 annually from the retirement fund for a contribution of only \$7.43. This amendment, if adopted, will merely reduce that amount to \$10,000. In my opinion, such a person is not entitled to \$10,000.

The PRESIDING OFFICER. Objection to the amendment is heard.

Mr. JOHNSTON of South Carolina. Mr. President, it is important that we pass some legislation on this question. I think every Senator realizes that fact. We find a situation in which some persons in the past who have been on the pay roll for only a short length of time are able then to retire and receive \$5,000 or \$6,000 or \$7,000 annually from the retirement fund.

Mr. WILLIAMS. Mr. President, does the Senator claim that the adoption of this amendment would clarify that situation?

Mr. JOHNSTON of South Carolina. I will say, after studying this amendment, that I would be glad to take it to conference. It is an amendment to a House bill.

Mr. WILLIAMS. The Civil Service Commission has already stated that it wants the bill as it is. The Commission points out that the man referred to is not entitled to \$10,000 a year, and I am opposed to the amendment.

Mr. President, I ask for the yeas and nays on this amendment.

Mr. HILL. Mr. President, will the Senator yield to me?

Mr. WILLIAMS. I yield.

Mr. HILL. The truth is that the amendment does not in any way interfere with the purposes or intent of the bill. The bill was introduced, as the Senator knows, to prevent a man from paying small sums into the retirement fund and then drawing large retirement benefits under the retirement law. Is not that correct?

Mr. JOHNSTON of South Carolina. That is correct.

Mr. HILL. All this amendment does is to protect the rights of those who are now receiving retirement benefits and who, unless this amendment be adopted, would be very much reduced in their benefits. The amendment was not offered with any view of affecting them. It was simply offered, as the Senator from South Carolina has said, to keep employees from paying in small amounts and then receiving great benefits. It was not introduced with any idea of taking away rights and benefits which employees are enjoying. Therefore, I think the amendment should be adopted.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HILL. The bill was introduced to prevent a certain person from drawing certain benefits. The amendment would permit the original purpose of the bill to be carried out 100 percent, and would protect the employees in the benefits which they are now enjoying and which should not be taken away from them.

Mr. WILLIAMS. Mr. President, if the amendment is agreed to, it still would allow a ceiling of \$10,000 on annuities, and that is what I object to.

The PRESIDING OFFICER. Consent has been given to the consideration of the bill. When an amendment is brought up, one Senator cannot stop the consideration of the amendment. It is open to a vote.

Mr. WILLIAMS. I ask for the yeas and nays on the amendment. I also have a parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS. In the event the amendment is adopted, could I still object to the consideration of the bill later?

The PRESIDING OFFICER. Yes.

Mr. WILLIAMS. I have no objection to a vote on the amendment. I ask for the yeas and nays, and shall vote against it.

The yeas and nays were ordered.

Mr. DOUGLAS. Mr. President, may we have the amendment read?

The PRESIDING OFFICER. For the information of the Senate, the clerk will again state the amendment.

The LEGISLATIVE CLERK. It is proposed to strike out lines 10 and 11, and to insert:

SEC. 2. The amendment made by the first section of this act shall not apply in the case of any referee in bankruptcy holding that office on or after July 1, 1947, but in no case shall the life annuity of any such referee exceed \$10,000.

SEC. 3. The amendment made by the first section of this act shall be effective as of April 1, 1948.

Mr. SALTONSTALL. Mr. President, may I say to the Senator in charge of the bill that I, as one Senator, am completely in ignorance of how to vote intelligently on this amendment. There is a great difference of opinion. I most respectfully ask that we be not asked to vote without a further explanation or without an understanding of that on which we are voting. I hope the bill may go over at this time, in the interest of orderly procedure.

The PRESIDING OFFICER. The yeas and nays have been ordered. If the Senator from Delaware objects to the consideration of the bill, that may decide the question.

Mr. WILLIAMS. Mr. President, I do not object to the consideration of the bill. I want the bill passed but without the amendment.

Mr. MCCARTHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MCCARTHY. After the vote is had on this amendment, can objection be made to consideration of the bill?

The PRESIDING OFFICER. The Chair so understands.

Mr. HUMPHREY. Mr. President, I should like to bring to the attention of the Senate the fact that if this bill is objected to and is passed over on the calendar, the Government of the United States will be paying a considerable sum of money to a man who is totally undeserving. The Government will be paying \$17,000 a year as a minimum annuity to a man who has put into the fund something like five or six dollars.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. HILL. That is an argument for the passage of the bill. The amendment does not affect that situation.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. ANDERSON. The amendment obviously protects someone.

Mr. HUMPHREY. Yes.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. HILL. The amendment protects only those who are already on the retirement roll. It prevents them from being unfairly and unjustly reduced in their benefits. The purpose of the bill is to prevent a person who pays into the retirement fund a very small sum receiving a large sum, but the bill is so worded that without my amendment an injustice will be done to persons who are fairly and squarely on the rolls.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. HILL. If I have the floor, I shall be glad to yield.

Mr. HUMPHREY. Mr. President, do I not have the floor?

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. SALTONSTALL. I should like to ask the Senator from Alabama as to his understanding of the amendment and what will be the effect if we vote for it or against it.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. HILL. A vote adopting the amendment will not affect the purpose of the bill at all. The purpose of the bill is to prevent an employee who pays a small amount into the retirement fund from receiving a much larger amount in retirement pay. All the amendment does is to protect those who in good faith are receiving retirement benefits so that their benefits will not be reduced when there is no reason or justification for their reduction, and there would be taken from them something to which they are entitled under existing law.

Mr. SALTONSTALL. Are they making the regular payments?

Mr. HILL. Yes; they come regularly under the law.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. LONG. Mr. President, I must oppose this amendment, but the reason why I must oppose it is that I know there is one person who is a referee in bankruptcy who has paid \$800 into the fund and who is drawing \$8,000 a year out of it, and will continue to do so indefinitely. I do not feel that I can consent that a person putting up such a small amount as \$800 should be entitled to draw \$8,000 year after year from the Federal Government. I do not think the retirement law contemplated referees in bankruptcy, or any such return for such a small amount paid into the fund. The bill without the amendment is certainly better than it would be with the amendment.

Mr. HUMPHREY. I should like to ask the Senator from Louisiana whether the substance of the amendment was not considered in full by the Committee on Post Office and Civil Service.

Mr. LONG. The committee carefully considered it, and it realized that if the committee would not accept the amendment it meant that the bill would be defeated, but the committee thought it was better to turn down the amendment and have the bill defeated than to accept the amendment.

Mr. WILLIAMS. Mr. President, I agree with the Senator from Louisiana [Mr. LONG]. The amendment was considered by the committee, and was turned down on the assumption that it would ruin the bill. While it does correct the situation to a certain extent, it still leaves a large loophole in the retirement system.

The example called to the attention of the committee was that of a man who had paid only \$7.43 into the fund and under the present law would get \$17,500 annuity the rest of his life. If the amendment offered by the Senator from Alabama is agreed to, it is true he will be reduced to \$10,000, but if it is defeated and the bill is passed without the amendment, he will be further reduced to \$1,900, which I might say, in my opinion, is more than he is entitled to. This bill goes a long way toward correcting a loophole in our retirement system. I think the amendment should be rejected and that the bill should be passed.

Mr. HILL. Mr. President—

The PRESIDING OFFICER. The time of the Senator from Delaware has expired.

The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. HILL]. The yeas and nays have been offered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MYERS. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Texas [Mr. CONNALLY], the Senator from Rhode Island [Mr. GREEN], the Senator from Idaho [Mr. MILLER], the Senator from West Virginia [Mr. NEELY], the Senator from Utah [Mr. THOMAS], and the Senator from Kentucky [Mr. WITHERS] are detained on official business.

The Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. HOEY], and the Senator from Rhode Island [Mr. LEAHY] are absent on public business.

The Senator from North Carolina [Mr. GRAHAM] is absent by leave of the Senate.

The Senator from Wyoming [Mr. HUNT], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Maryland [Mr. TYDINGS] are absent by leave of the Senate on official business.

Mr. SALTONSTALL. I announce that the Senator from Connecticut [Mr. BALDWIN] is absent by leave of the Senate on official business.

The Senator from Maine [Mr. BREWSTER], the Senator from Ohio [Mr. BRICKER], the junior Senator from New York [Mr. DULLES], the Senator from Massachusetts [Mr. LONGE], the Senator from Minnesota [Mr. THYE], and the

Senator from Michigan [Mr. VANDENBERG], are absent by leave of the Senate.

The Senator from New Jersey [Mr. SMITH] is absent on official business with leave of the Senate. If present and voting, the Senator from New Jersey would vote "nay."

The Senator from Oregon [Mr. MORSE], and the Senator from Ohio [Mr. TAFT], are necessarily absent. If present and voting, the Senator from Ohio would vote "nay."

The Senator from New Hampshire [Mr. BRIDGES], the Senator from South Dakota [Mr. GURNEY], the Senator from Kansas [Mr. REED], the Senator from Wisconsin [Mr. WILEY], and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

The result was announced—yeas 8, nays 58, as follows:

YEAS—8

Downey	Kilgore	Russell
Hill	McMahon	Sparkman
Johnson, Tex.	Pepper	

NAYS—58

Alken	Hickenlooper	Maybank
Anderson	Holland	Millikin
Butler	Humphrey	Mundt
Byrd	Ives	Murray
Cain	Jenner	Myers
Capehart	Johnson, Colo.	O'Connor
Chapman	Johnston, S. C.	O'Mahoney
Cordon	Kern	Robertson
Donnell	Kerr	Saltonstall
Douglas	Knowland	Schoeppel
Eaton	Langer	Smith, Maine
Ellender	Long	Stennis
Ferguson	Lucas	Taylor
Flanders	McCarthy	Thomas, Okla.
Frear	McClellan	Tobey
Fulbright	McFarland	Watkins
George	McKellar	Wherry
Gillette	Magnuson	Williams
Hayden	Malone	
Hendrickson	Martin	

NOT VOTING—30

Baldwin	Gurney	Reed
Brewster	Hoey	Smith, N. J.
Bricker	Hunt	Taft
Bridges	Kefauver	Thomas, Utah
Chavez	Leahy	Thye
Connally	Lodge	Tydings
Dulles	McCarran	Vandenberg
Eastland	Miller	Wiley
Graham	Morse	Withers
Green	Neely	Young

So Mr. HILL's amendment was rejected. The PRESIDING OFFICER. If there be no further amendment to be offered, the question is on the third reading and passage of the bill.

Mr. WHERRY. Mr. President, may I ask the distinguished chairman of the committee if the bill meets with the approval of the Civil Service officials?

Mr. JOHNSTON of South Carolina. Mr. President, the bill meets with their approval. For the information of the Senator I will say that I introduced a similar bill, without the amendment offered by the Senator from Alabama, which the civil service officials asked that I introduce.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill (H. R. 5465) was ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1390) to authorize the conveyance to the State of California of easements for the construction and maintenance of a toll highway crossing

and approaches thereto over and across lands of the United States in the vicinity of San Francisco Bay, Calif., and for other purposes, was announced as next in order.

Mr. DOWNEY. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1596) to authorize the Postmaster General to enter into special agreements for certain switching service by railway common carriers, and for other purposes, was announced as next in order.

Mr. SCHOEPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 17) to authorize the Secretary of the Interior to issue patents for certain lands to certain settlers in the Pyramid Lake Indian Reservation, Nev., was announced as next in order.

Mr. HUMPHREY. Over.

The PRESIDING OFFICER. The bill will be passed over.

GRANTS FOR SURVEY OF ELEMENTARY AND SECONDARY SCHOOL FACILITIES—BILL PASSED OVER

The bill (S. 2317) to authorized grants to the States for surveying their need for elementary and secondary school facilities and for planning State-wide programs of school construction; and to authorized grants for school construction, for advance planning of school facilities, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. By request, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MAGNUSON. Mr. President, because the bill is so important I wonder if the Senator from New Jersey would feel free to suggest to the Senate who made the objection.

Mr. HENDRICKSON. I am glad to do so. It was the distinguished Senator from Ohio [Mr. TAFT].

Mr. HUMPHREY. Mr. President, I understand that the majority leader has placed this bill on the list for consideration of the Senate on its own merits, with extended debate.

BILL PASSED OVER

The bill (H. R. 6070) to amend the National Housing Act, as amended, and for other purposes, was announced as next in order.

Mr. SPARKMAN. Over.

The PRESIDING OFFICER. The bill will be passed over.

STRATEGIC AND CRITICAL ORES, ETC.

The bill (S. 2105) to stimulate exploration for and conservation of strategic and critical ores, metals, and minerals, and for other purposes, was announced as next in order.

Mr. WILLIAMS. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. O'MAHONEY. Mr. President, I desire to give notice that at an appropriate time I shall move that the Senate proceed to the consideration of this measure.

PROHIBITION OF PICKETING UNITED STATES COURTS

The bill (H. R. 5647) to prohibit the picketing of United States courts was announced as next in order.

Mr. WHERRY. Mr. President, on behalf of the Senator from North Dakota [Mr. LANGER], I ask that the bill be passed over. I ask, Mr. President, that it go to the foot of the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska that the bill be passed over and placed at the foot of the calendar? The Chair hears none, and it is so ordered.

Mr. ELLENDER. Mr. President, I serve notice that at the first opportunity I shall move that the Senate take up the bill for consideration. I desire further to state that I have already discussed the matter of taking up the bill for consideration at an early date with both the majority and the minority leaders of the Senate.

BILL PASSED OVER

The bill (S. 240) to stimulate the exploration, production, and conservation of strategic and critical ores, metals, and minerals and for the establishment within the Department of the Interior of a Mine Incentive Payments Division, and for other purposes, was announced as next in order.

Mr. WILLIAMS. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HOLLAND. Mr. President, a parliamentary inquiry. As to the two or three bills which have gone to the foot of the calendar, I wish to inquire whether this is the appropriate place to call them and consider them, or is the proper place to do so upon completion of the call of all bills on the calendar.

The PRESIDING OFFICER. The bills which have gone to the foot of the calendar will be called after the entire calendar has been called.

GRANT TO CITY OF LOS ANGELES OF CERTAIN RIGHTS-OF-WAY

The Senate proceeded to consider the bill (H. R. 5764) to authorize the granting to the city of Los Angeles, Calif., of rights-of-way on, over, under, through, and across certain public lands.

Mr. SCHOEPEL. Mr. President, I send to the desk an amendment to the bill which I ask to have stated.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 7, it is proposed to strike out the period and to insert in lieu thereof a colon and the following: "Provided further, That the Secretary of the Interior shall fix, and the city shall pay, a reasonable sum or sums to the United States as consideration for the grant of the permanent rights-of-way described in section 6 of this act."

Mr. DOWNEY. Mr. President, on behalf of the Committee on Interior and Insular Affairs, I accept the amendment offered by the Senator from Kansas which I regard as a desirable improvement on the bill, for its language insures

that the Government will receive reasonable payment or payments as consideration from the city of Los Angeles for the grant of the rights-of-way over the Federal lands described in the bill, and the interests of the Government will be unmistakably protected.

The Senator from Kansas has correctly observed that section 1 of the bill authorizes the Secretary of the Interior to grant permanent rights-of-way over public lands of the United States. The Senator has pointed out the bill should make certain, either by a clarifying amendment or, preferably, by its legislative history, that the Secretary of the Interior is vested with the sole power to act, not only for himself but also in behalf of the Secretary of Agriculture, with respect to lands under the latter's jurisdiction.

I invite the Senate's attention to the opening language of the bill, where it is stated:

That the Secretary of the Interior be, and he is hereby authorized to grant to the city of Los Angeles permanent rights-of-way, etc.,

By the act of February 1, 1905, (33 Stat. 628) certain jurisdiction of the national forests was transferred from the Secretary of the Interior to the Secretary of Agriculture, but the question has remained as to whether matters pertaining to the title to public lands, including the granting of permanent easements over the national forests, remained in the Secretary of the Interior or had been transferred to the Secretary of Agriculture. This question has been before the two departments, and has been considered by the Attorney General on numerous occasions.

I invite the Senate's attention to the language in the report of the committee where it states:

The rights-of-way will be issued by the Secretary of the Interior, subject, however, to such conditions as the Secretary of Agriculture deems necessary to protect the interests of the United States in the management of the national forests. In view of the relatively small area of national forest land traversed, it appears desirable in this instance to have the rights-of-way issued by one department. The committee, however, does not intend this as a precedent with respect to rights-of-way over national forests generally. It is understood that the question of control and issuance of rights-of-way over national forests may be the subject of general legislation at a future date.

Mr. President, I want to make the point clear as a matter of legislative history, that the intent of the Congress, in this particular case, is that the Secretary of the Interior is authorized to grant for the Government, on behalf of himself and on behalf of the Secretary of Agriculture, the permanent rights-of-way described in section 6 of the bill to the city of Los Angeles.

In closing, I want to thank the able Senator from Kansas for his contributions to our thinking on this legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. SCHOEPEL].

The amendment was agreed to.

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

The bill was read the third time and passed.

DEVELOPMENT OF HYDROELECTRIC POWER AT FALCON DAM ON THE RIO GRANDE—BILL PASSED OVER

The bill (H. R. 5773) to authorize the carrying out of the provisions of article 7 of the treaty of February 3, 1944, between the United States and Mexico, regarding the joint development of hydroelectric power at Falcon Dam, on the Rio Grande, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Mr. President, reserving the right to object, may we have an explanation of the bill?

Mr. JOHNSON of Texas. Mr. President, this bill was introduced in the House of Representatives by Representative BENTSEN, from the Rio Grande Valley. It was approved by the Foreign Affairs Committee of the House and unanimously passed the House of Representatives on August 23, 1949.

The purpose of the bill is to authorize the negotiation of an agreement between the United States and Mexico for the joint construction, operation, and maintenance of a hydroelectric plant at Falcon Dam, on the Rio Grande.

The United States and Mexico entered into a treaty in 1944 to undertake equitably to apportion the waters of the Rio Grande. It is provided in article 7 of the treaty that before any works are undertaken they must have the approval of the Congress; \$9,000,000 has been appropriated to the International Boundary and Water Commission. The Bureau of Reclamation has made plans to install two power plants, and money has been appropriated to construct this dam. However, before an agreement can be negotiated with Mexico Congress must give its approval.

It is my understanding that the bill was considered by the Foreign Relations Committee of the Senate and favorably reported by that great committee, without objection. The senior Senator from Texas [Mr. CONNALLY] reported the measure, but at the moment he is engaged in the conference on the arms bill.

Mr. HENDRICKSON. I wonder if the distinguished Senator from Texas could explain to the Senate why we have in this appropriation an unexpended balance of \$7,900,000?

Mr. JOHNSON of Texas. Negotiation of agreements by the International Boundary and Water Commission, between the United States and Mexico, as to the location of the dam and the allocations of capacities in the reservoir for various purposes, as well as the general and detailed plans for the dam, have required a considerable period of time between the representatives of the two countries. I think that is the reason that this money, although it has been appropriated, has not been reached, and for that reason it is unexpended.

Mr. HENDRICKSON. I thank the distinguished Senator from Texas.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. AIKEN. Over.

The PRESIDING OFFICER. The bill will be passed over.

EVERGLADES NATIONAL PARK, FLA.

The Senate proceeded to consider the bill (H. R. 4029) to authorize the Secretary of the Interior to procure for the Everglades National Park with available funds, including those made available by the State of Florida, the remaining lands and interest in lands within the boundary agreed upon between the State of Florida and the Secretary of the Interior, within and a part of that authorized by the act of May 30, 1934 (48 Stat. 816), and within which the State has already donated its lands, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, to strike out all after the enacting clause and insert:

That, in order to consolidate the Federal ownership of lands within the boundary set forth in deed No. 19035 executed December 28, 1944, by the trustees of the Internal Improvement Fund of the State of Florida, and accepted by the Secretary of the Interior on March 14, 1947, for Everglades National Park purposes, the said Secretary is hereby authorized, within the aforesaid boundary and with any funds made available for that purpose, to procure lands or interests therein by purchase or otherwise, subject, however, to the right of retention by owners of lands, interests in lands, interests in oil, gas, and mineral rights, or royalties, their heirs, executors, administrators, successors, or assigns (hereinafter referred to as "owners"), at their election, of the following:

(1) The reservation until October 9, 1958, of all oil, gas, and mineral rights or interests, including the right to lease, explore for, produce, store, and remove oil, gas, and other minerals from such lands: *Provided*, That if on or before said date, oil, gas, or other minerals are being produced in commercial quantities anywhere within the boundary set forth in aforesaid deed No. 19035, then in that event the time of the reservation as set forth in this subsection shall automatically extend for all owners, regardless of whether such production is from land in which such owners have an interest, for so long as oil, gas, or other minerals are produced in commercial quantities anywhere within said boundary. To exercise this reservation, the owners, their lessees, agents, employees, and assigns shall have such right of ingress and egress to and from such lands as may be necessary; and

(2) After the termination of the reserved rights of owners as set forth in subsection (1) hereof, a further reservation of the right to customary royalties, applying at the time of production, in any oil, gas, or other minerals which may be produced from such lands at any time before January 1, 1985, should production ever be authorized by the Federal Government of its assigns.

SEC. 2. Unless consented to by an owner retaining the reservation set forth in subsection (1) of section 1 hereof, no action shall be taken by the Federal Government during the period of such reservation to purchase, acquire, or otherwise terminate or interfere with any lease or leases which may be applicable to said owner's lands.

SEC. 3. Any reservations retained under the provisions of subsection (1) of section 1 hereof shall be exercised by the owners subject to reasonable rules and regulations which the Secretary may prescribe for the

protection of the park, but which shall permit the reserved rights to be exercised so that the oil, gas, and minerals may be explored for, developed, extracted, and removed from the park area in accordance with sound conservation practices. All operations shall be carried on under such regulations as the Secretary may prescribe to protect the lands and areas for park purposes.

SEC. 4. In any action caused by the Secretary of the Interior to be commenced for the acquisition of lands under the provisions hereof, reasonable diligence shall be exercised by him to ascertain whether owners elect to retain reservations in accordance with the provisions of this act. If, after the exercise of such reasonable diligence, owners cannot be located, or do not appear in judicial proceedings to acquire the lands, so that it may be ascertained whether they desire to retain reservations in accordance with the provisions hereof, the Secretary may acquire the fee simple title to their lands free and clear of reservations as set forth in subsections (1) and (2) of section 1 hereof.

The amendment was agreed to.

Mr. SCHOEPPEL. Mr. President, I should like to ask the distinguished Senator from Wyoming [Mr. O'MAHONEY] two questions. Will he explain the effect of the cut-off date set forth in the committee amendment, terminating the reservation of gas and mineral rights on October 9, 1958? Then, will the Senator please explain the protection proposed to be given with respect to royalty rights, to private owners whose lands are acquired under the terms of the bill?

Mr. O'MAHONEY. Mr. President, on behalf of the Committee on Interior and Insular Affairs, I can say in response to the inquiry of the Senator from Kansas that the Everglades National Park will include lands owned by the State of Florida and lands upon which there are presently existing mineral rights. The National Park Service felt that those rights should all be terminated as of a given date in 1956. The owners of the various mineral claims, however, felt that since some of the leases apparently extended to 1963, that would be unfair.

The Senate Committee on Interior and Insular Affairs held extended hearings. The State of Florida was represented. The National Park Service was represented. The mineral claimants were represented. The chairman of the committee asked the various parties interested in the bill to see if they could not compose their differences, and they did. The date fixed in the bill is one which was agreed upon with respect to all persons interested.

With respect to the matter contained in subsection 2, the State of Florida itself, being the sovereign upon the lands which it had conveyed for inclusion in the park, retained the right to develop the oil if oil should be discovered in the future. Therefore it was the judgment of the committee that the private mineral claimants should have a similar right, and for that purpose the committee wrote in the provision contained in this paragraph.

Mr. SCHOEPPEL. I thank the Senator for that explanation.

Mr. HOLLAND. Mr. President, if I may make one correction in the state-

ment of the distinguished Senator from Wyoming the reservation of the State of Florida is a reservation solely of the proprietary rights in the oil in the event that the oil is ever produced, in the sole discretion of the Federal Government.

Mr. O'MAHONEY. The Senator is quite right.

Mr. HOLLAND. Mr. President, I should like, on behalf of my distinguished colleague, the senior Senator from Florida [Mr. PEPPER] and myself, to ask the chairman of the committee two questions which are understood between us, but which we wish to have in the RECORD.

Some of the property owners have found fault, not with the provisions of the bill, but with a certain recital in the report of the committee, which uses the words "and to quiet title thereto." It is with reference to those words that these questions are presented.

I ask the distinguished chairman first, does the Senate committee report, No. 968, on the first page, lines 3 and 4 from the bottom of the page, reading "and to quiet title thereto" refer to the substantive rights of known parties holding title deraigned from the State of Florida's Trustees of the International Improvement Fund, or does it refer merely to section 4, which allows the Secretary of the Interior to acquire the fee simple title to lands of record owners who cannot be located after the exercise of reasonable diligence?

Mr. O'MAHONEY. It refers only to section 4.

Mr. HOLLAND. I thank the Senator. The second question is this: With reference to certain lands which are referred to frequently as "sovereignty lands," but on which there are now claims to private title and ownership, does the answer of the distinguished Senator apply with the same effect to those lands?

Mr. O'MAHONEY. It does.

Mr. HOLLAND. I thank the Senator.

Mr. WHERRY. Mr. President, reserving the right to object, first I wish to express my belief in the Everglades National Park project. I sat with the committee which considered it on two or three occasions—I think a year ago and 2 years ago. I wonder if all the differences have been cleared up with respect to mineral rights.

Mr. O'MAHONEY. I think they have been completely settled.

Mr. WHERRY. So there is no doubt about that?

Mr. O'MAHONEY. There is no doubt about it.

Mr. WHERRY. How large is the area proposed to be embraced in the park?

Mr. HOLLAND. Mr. President, the area within the 1944 boundaries, which is what is referred to in this particular bill and in the amended bill, is much smaller than the area within the original boundaries, and amounts to something more than a million acres. The State of Florida granted by gift approximately 450,000 acres of land and over 500,000 acres of water, and left, as I recall, approximately 400,000 acres of land for acquisition, but gave to the Federal Government \$2,000,000 with which to acquire that land.

Mr. WHERRY. That is correct.

Mr. HOLLAND. Acquisition has proceeded very satisfactorily. But now it becomes necessary for suits to be brought in some cases where the owners cannot be discovered, and for suits to be brought in other cases where apparently mutual agreement cannot be reached. Apparently that is the purpose of the bill as amended.

Let me say that the State of Florida, through its entire congressional delegation, is exceedingly grateful to the chairman of the committee and to the other members of the committee for the exceedingly painstaking way in which they went into this matter and insisted upon settlement of the differences between the interested parties as a basis for action on the bill.

Mr. O'MAHONEY. The Senator is very kind.

Mr. WHERRY. Mr. President, a situation arose a year ago relative to the mineral rights. I am sure the distinguished Senator will recall it. I am interested in it because I have been in the Everglades and I think it has great possibilities. Let me ask what appropriation will be requested from the Federal Government.

Mr. O'MAHONEY. None whatever.

Mr. WHERRY. Not for the acquisition?

Mr. O'MAHONEY. Not for the acquisition.

Mr. WHERRY. The appropriation will be by the State authority; is that correct?

Mr. O'MAHONEY. Yes, by the State. That will cover it.

Mr. WHERRY. I am interested in that, of course, as I was when the bill came before the committee.

In that respect, I think the bill constitutes a saving which is entirely proper to be made.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

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

The bill was read the third time and passed.

HORACE J. FENTON

The bill (S. 621) for the relief of Horace J. Fenton was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JOHNSTON of South Carolina. Mr. President, I ask that the bill be passed over until the junior Senator from Connecticut [Mr. BALDWIN] is present.

Mr. McMAHON. Mr. President, if the Senator from South Carolina will withhold his objection, let me say that my colleague has communicated with me and has asked me to explain the bill if any objection is raised.

So I hope the Senator from South Carolina will withdraw his objection.

Mr. JOHNSTON of South Carolina. Mr. President, I withdraw the objection. The only reason I objected was that the junior Senator from Connecticut said he

wanted to explain the bill a little more fully than it is explained in the report, so that when the bill goes to the House, there will be a full report on it.

But if the senior Senator from Connecticut wishes to have the bill considered at this time, that will be satisfactory to me.

Mr. McMAHON. Mr. President, I have a memorandum which has been sent to me by the junior Senator from Connecticut [Mr. BALDWIN]. I should like to read it; it will not take long to read it to the Senate. After it is read, perhaps the Senator from South Carolina will withdraw his objection.

Mr. JOHNSTON of South Carolina. I shall not object, if the reading of the memorandum will result in placing in the RECORD what the junior Senator from Connecticut wanted to have in the RECORD.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. WHERRY. Let me inquire whether the memorandum was prepared after the junior Senator from Connecticut [Mr. BALDWIN] communicated with the Senator from South Carolina.

Mr. McMAHON. I believe so.

Mr. JOHNSTON of South Carolina. I wish it understood that my only interest is in the Senator's desire to have the RECORD contain a more complete explanation than is given by the report.

Mr. McMAHON. Mr. President, the memorandum reads as follows:

The Navy Department's report to the committee was adverse to the passage of this bill. Their objections were that termination was necessitated by the reduction in teaching staff because of the reduced quota of midshipmen; no physical disability was incurred by Mr. Fenton while employed and, therefore, there was no reason why he should receive the additional compensation. When claimant's services were terminated, no provision of law granted retirement to Academy professors and instructors; the Naval Academy files show no contractual or other obligation under which Mr. Fenton would be entitled to additional compensation.

What the Navy Department, in this report, failed to state is the fact that the passage of this bill would not establish a precedent. A memorandum dated April 6, 1948, from the Office of the Judge Advocate General to Captain Houser, then Navy Department liaison officer to the Senate Armed Services Committee, stated: "Similar provision was made in 1934 for Professor des Garennes" (48 Stat. (pt. II) 1330, approved May 3, 1934).

Another point the report to the committee failed to bring out is that while at the time when Mr. Fenton was separated from the Academy, there was no provision of law granting retirement benefits to Academy professors and instructors, yet about a year after Mr. Fenton's separation, civilian employees of the United States Naval Academy were covered by such retirement benefits.

Since retirement benefits have heretofore been granted another who was separated from the Academy at the same time Mr. Fenton was let out; since almost immediately after his separation the benefits which he hereby seeks were granted to his fellow associate; and since because of his age, 75 years, the amount of retirement benefits involved cannot necessarily be very great, Senator BALDWIN respectfully asks favorable consideration of this bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to pay to Horace J. Fenton, formerly an associate professor at the United States Naval Academy, the sum of \$100 per month for the remainder of his life, beginning with the month in which this act is approved, chargeable to such appropriations as may be made for the payment of retirement annuities to civilian members of the teaching staff of the United States Naval Academy and post graduate schools.

ANNUAL- AND SICK-LEAVE BENEFITS TO PART-TIME EMPLOYEES

The bill (H. R. 2619) to extend the benefits of the annual- and sick-leave laws to part-time employees on regular tours of duty and to validate payments heretofore made for leave on account of services of such employees was announced as next in order.

Mr. SCHOEPEL. Mr. President, may we have an explanation of the bill, please?

Mr. HUMPHREY. Mr. President, a brief explanation of the bill is as follows: The bill provides, as its title indicates, the benefits of annual and sick leave to part-time employees who have a workweek of 5 days, but who may be working, let us say, 2 or 3 hours each day. The bill has the purpose of validating some payments made by the Library of Congress several years ago to part-time employees who subsequently were severed from the Federal service.

It appears that the Librarian of Congress was of the opinion that the law permitted him to pay annual- and sick-leave benefits to part-time employees. A little later the Comptroller General ruled—in November 1943, I believe—that only full-time employees were entitled to annual- and sick-leave benefits.

Thus we have a situation involving, I think, some 6,000 employees who have received payment from the Federal Government for annual and sick leave, which payments would be considered their liability; in other words, they would have to return the money to the Federal Government unless this bill should be enacted.

Mr. SCHOEPEL. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. SCHOEPEL. Can the distinguished Senator give us some idea of the probable cost of the bill, if enacted?

Mr. HUMPHREY. Yes. The Civil Service Commission estimated that the annual cost of pro rata annual and sick leave for the part-time employees covered by the bill would be approximately \$2,286,200. Of course, I point out that that is the cost in theory, not in practice. It should be made plain, as the committee report states, that that figure represents the actual money value of such leave, rather than the additional cost to the Government, because it was pointed out at the committee hearings

that, by and large, the cost of the bill could be absorbed by the agencies concerned. In other words, instead of having the part-time employees replaced at the time when they took their annual leave or their sick leave, there would simply be a doubling up on the work. So, actually, no additional appropriation would be required, but the transaction would be primarily a bookkeeping matter.

Mr. SCHOEPEL. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

PHYLLIS HERTZOG

The bill (S. 1097) for the relief of Phyllis Hertzog was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, upon application made by Phyllis Hertzog, of Cresson, Pa., the United States Maritime Commission is authorized and directed to accept the withdrawal of resignation tendered by the said Phyllis Hertzog and made effective as of December 30, 1944, and to place her in a leave-without-pay status effective as of such date.

EXCHANGE OF LANDS AND IMPROVEMENTS IN GRAND RAPIDS, MINN.

The bill (H. R. 2015) to authorize the Secretary of Agriculture to convey and exchange certain lands and improvements in Grand Rapids, Minn., for lands in the State of Minnesota, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

EXCHANGE OF CERTAIN LANDS IN IOSCO COUNTY, MICH.

The bill (H. R. 5601) to authorize the exchange of certain lands of the United States situated in Iosco County, Mich., for lands within the national forests of Michigan, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Mr. President, reserving the right to object, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The first question is, Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HENDRICKSON. Mr. President, I now offer the amendment to which I have previously referred; and I send it to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, in line 4, before the "period", it is proposed to insert a "colon" and the following proviso:

Provided, That if the mayor or other appropriate official of said town of East Tawas certifies in writing to the Secretary of Agriculture that any such lands authorized to be exchanged will be used for public purposes, the value of the lands to be accepted in exchange therefor by the Secretary of Agriculture shall be of a value at least equal to the sum of (1) the value of such lands used for

nonpublic purposes, and (2) 50 percent of the value of such lands used for public purposes: *Provided further*, That if, at any time during the 5-year period after such exchange, such lands originally used for public purposes cease to be so used, title thereto shall revert to the United States unless said town of East Tawas pays or transfers to the United States money, lands, or other valuable consideration equal to 50 percent of the value (computed as of the date of such exchange) of such lands.

The amendment was agreed to.

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

The bill was read the third time and passed.

Mr. WHERRY. Mr. President, I should like to ask why the amendment is added to this bill? It apparently was unnecessary in the bill just preceding it on the calendar.

Mr. AIKEN. Mr. President, I may explain that this land, acquired by the city of Grand Rapids, Mich., as I understand, was taken under a tax lien and did not cost the city anything. Therefore, it seems only reasonable they should pay full value for the United States site.

Mr. WHERRY. That is fine.

FINANCIAL ASSISTANCE TO HOMESTEAD ENTRYMEN

The Senate proceeded to consider the bill (H. R. 2514) to enable the Secretary of Agriculture to extend financial assistance to homestead entrymen, and for other purposes, which had been reported from the Committee on Agriculture and Forestry, with an amendment, on page 2, line 8, after the word "loan", to insert "or any other loan made under the Bankhead-Jones Farm Tenant Act, as amended, or the act of August 28, 1937, as amended, to the owner of a newly irrigated farm in a reclamation project."

The amendment was agreed to.

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

The bill was read the third time and passed.

EXTENSION OF BENEFITS OF BANKHEAD-JONES ACT TO PUERTO RICO—BILL PASSED OVER

The bill (H. R. 4090) to extend the benefits of section 23 of the Bankhead-Jones Act to Puerto Rico, was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. SCHOEPEL. Mr. President, reserving the right to object, I should like to ask the sponsor of this measure to explain the bill. I note there is no report or comment from the Department of the Interior.

Mr. THOMAS of Oklahoma. Mr. President, all the bill purports to do is extend to Puerto Rico the same benefits under the Bankhead-Jones Act which have been extended to other Territories, such as Hawaii. Puerto Rico is a very poor country, and only a small portion of the children there have any facilities for education. The bill is intended, if it is carried out, to afford them the maximum benefits as a Territory.

That is the entire purpose of the bill, so far as the committee understands.

The PRESIDING OFFICER. Is there objection?

Mr. BUTLER. Mr. President, I was going to ask the Senator from Oklahoma whether he knows any reason why the Virgin Islands should not also be included.

Mr. THOMAS of Oklahoma. No; I know of no reason why they should not also be included.

Mr. BUTLER. I shall not offer an amendment to the bill at this time, but I see no reason why the benefits should not also apply to the Virgin Islands.

Mr. THOMAS of Oklahoma. I think such laws should be extended to all our Territories, when requested. I would have no objection to the offering of such an amendment. Still, this is a departmental bill, and no request was made for the inclusion of the Virgin Islands.

Mr. SCHOEPEL. Mr. President, may I inquire of the distinguished Senator from Oklahoma whether he would have any objection to the bill going over until the next call of the calendar, in order that we may satisfy two or three inquiries which have been made? Rather than object, I would rather leave it that way, if it is agreeable.

Mr. THOMAS of Oklahoma. I have no objection. The only thing is, it delays for that length of time whatever benefits might accrue to the people of Puerto Rico. I have no objection.

The PRESIDING OFFICER. The bill will be passed over.

ANGOSTURA UNIT OF THE MISSOURI BASIN PROJECT

The bill (H. R. 2538) to authorize completion of the land development and settlement of the Angostura unit of the Missouri Basin project, notwithstanding a limitation of time, was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. TOBEY. Mr. President, I inquire who were the sponsors of the bill?

Mr. GURNEY. Mr. President—

Mr. TOBEY. The Senator from South Dakota may be able to answer. Is this the source of supply of the famous Angostura bitters?

Mr. GURNEY. I believe not. I think it is an Indian name.

The PRESIDING OFFICER. Is there objection?

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

NORBECK WILDLIFE PRESERVE

The bill (H. R. 3926) to rename a game sanctuary in the Harney National Forest as the Norbeck Wildlife Preserve, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF THE BENEFITS OF CERTAIN LAWS TO ALASKA—BILL PASSED OVER

The bill (H. R. 212) to extend to the Territory of Alaska the benefits of cer-

tain acts of Congress, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. HENDRICKSON. Mr. President, reserving the right to object, I should like to ask the sponsor of the bill whether it is in the same general category as Calendar No. 987, House bill 4090.

The PRESIDING OFFICER. Can the Senator from Oklahoma explain the bill?

Mr. THOMAS of Oklahoma. I prefer that the bill go over.

The PRESIDING OFFICER. Does the Senator prefer to have the bill go over to the next calendar call?

Mr. THOMAS of Oklahoma. That is correct.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (H. R. 133) to amend section 2 of the act approved June 20, 1936, entitled "An act to extend the benefits of the Adams Act, the Purnell Act, and the Capper-Ketchum Act to the Territory of Alaska, and for other purposes," was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. SCHOEPEL. Mr. President, may this bill be passed over until the next call of the calendar? It is somewhat in the category of the preceding bill.

The PRESIDING OFFICER. The bill will be passed over.

ARTHUR O. FISHER

The bill (S. 44) for the relief of Arthur O. Fisher was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the immigration and naturalization laws, Arthur O. Fisher, of New York City, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 16, 1947, the date of his last entry into the United States, upon payment of the required visa fee and head tax. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available immigration quota for nationals of Czechoslovakia.

PRIMITIVO URCELAY-RUIZ

The bill (S. 46) for the relief of Primitivo Urceley-Ruiz was announced as next in order.

Mr. MILLIKIN. Mr. President, reserving the right to object, I notice in today's New York Herald Tribune the following article:

REFINED LEAD PRICE IS CUT THREE-EIGHTHS CENT A POUND—REDUCTION IS FIRST ONE SINCE MIDSUMMER

The price of refined lead was reduced three-eighths cent a pound by a leading custom smelter here yesterday, bringing the quotation for lead delivered New York basis to 14¼ cents a pound. It was the first cut in the lead price since midsummer when it began its recovery from a 12-cent level to which it had dropped from a postwar peak of 19½ cents which ruled from November 1948 to March of this year.

The reduced price for lead follows the offering in domestic markets of foreign metal,

including substantial tonnage from Yugoslavia, at slightly less than the domestic quotations. Trade authorities here have estimated that offerings of foreign lead in this market may increase as a result of the devaluation of sterling and other outside currencies.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. HENDRICKSON. Mr. President, speaking on the bill, I wonder whether the distinguished Senator from West Virginia would give us an explanation. I understand the Department of Justice is opposed to the bill.

Mr. KILGORE. Oh, no. No, the Department of Justice has cleared it. This cancels deportation proceedings in the case of this man of the unpronounceable name. He came in as a contract laborer, has overstayed, and desires now to be accepted as an immigrant. The bill would permit him to do that. He cannot under the law be permitted to remain any longer as a contract laborer. This bill would permit him to be admitted as a permanent entry, as of the date of his actual entry, upon payment of proper fees.

Mr. WHERRY. Is he charged to some quota?

Mr. KILGORE. No, I do not think so. He came in as a contract laborer.

Mr. WHERRY. He came in, did he, on a temporary visa?

Mr. KILGORE. That is correct, as a contract laborer.

Mr. WHERRY. Why should he be admitted to citizenship, unless he is charged to a quota?

Mr. HENDRICKSON. If the Senator is asking me, I should say the answer might be this—

Mr. KILGORE. Just a moment. He will be charged to the Spanish quota, when it comes through, but it would permit him to remain, now that he is here.

Mr. HENDRICKSON. Did I correctly understand the Senator to say the Department of Justice had withdrawn its opposition?

Mr. KILGORE. There is no opposition now as shown by the report. I am confident the Subcommittee on Immigration would not have reported the bill had there been an objection, without at least stating it in the report.

Mr. HENDRICKSON. I quote from the report a paragraph of a letter from the Acting Assistant to the Attorney General:

The beneficiary of this bill is one of many persons who are unable to gain admission to the United States for permanent residence because of oversubscribed quotas and there appear to be no circumstances in this case that would justify granting him a preference over thousands of aliens who must await their turn for immigration visas.

I construe that as opposition.

Mr. KILGORE. That happens frequently. They say there is no objection, other than that it is purely a question of policy. Are we going to let him remain now, or are we going to ship him back and let him await his place in the quota? He is working in Nevada. The committee has been pretty strict on that sort of thing.

Mr. HENDRICKSON. Was the committee unanimous in its report, in the face of the opposition?

Mr. KILGORE. The Committee on the Judiciary was, yes. I do not know about the Subcommittee on Immigration. I am not a member of that subcommittee.

Mr. WHERRY. Mr. President, if I may ask a further question of the distinguished Senator from West Virginia, is this man a Mexican?

Mr. KILGORE. No, he is Spanish. I thought he was a Mexican.

Mr. WHERRY. That is what I understood the Senator to say, that he was a Mexican, but was being charged to the Spanish quota.

Mr. KILGORE. No, he is Spanish, and will be charged to the Spanish quota.

Mr. WHERRY. Is the Spanish quota now filled? How can he be charged to the Spanish quota, if it has been filled?

Mr. KILGORE. No. The bill further provides the appropriate quota deduction shall be made from the Spanish quota. We have frozen many quotas, I may say. I am not sure about the Spanish quota, but a great number of quotas have been frozen. I imagine the Spanish quota has also been frozen, because of the strained relations now existing.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (S. 46) for the relief of Primitivo Urcelay-Ruiz was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Attorney General of the United States be, and is hereby, authorized and directed to cancel deportation proceedings in the case of Primitivo Urcelay-Ruiz, of central Nevada, legally admitted as a contract laborer, but who has remained in the United States longer than permitted by law and regulations and that this alien shall be considered as having been admitted for permanent entry as of the date of his actual entry on the payment of the visa fee of \$10 and a head tax of \$8.

Upon the enactment of this act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Spanish quota for the first year that the said Spanish quota is available.

FAWN S. LOUIE

The bill (S. 47) for the relief of Fawn S. Louie was announced as next in order.

Mr. HENDRICKSON. Mr. President, here, again, we have the opposition of the Department of Justice. I am wondering if it is good policy for the Senate to pass these bills and grant relief in certain cases in which the Department is opposing such relief, probably for very good reasons.

Mr. KILGORE. Mr. President, the Department does not oppose it. It says, "We are unable to recommend the passage of the bill."

Mr. HENDRICKSON. As I understand the case, the man involved has a place to which to return. He has a business in China. No real harm would be done if the bill should not be passed, because his family lives in China—

Mr. KILGORE. Except the fact that the area in which they live is occupied by Communists. It might be rather dangerous for him to return.

Mr. HENDRICKSON. The report shows that he resides in Hong Kong. I do not think the Communists have taken that point yet.

Mr. KILGORE. Not yet, but they are very close to it.

Mr. HENDRICKSON. It is a matter of policy, Mr. President. I call it to the attention of the Senate for whatever value it may have.

Mr. KILGORE. In all cases exceptional reasons have to be shown to the committee.

Mr. WHERRY. Mr. President, may I ask as to the quota in this case?

Mr. KILGORE. It is oversubscribed. We only recently established a quota for China, and it was oversubscribed. The quota of China is vastly disproportionate to the quota for European countries.

Mr. HENDRICKSON. Mr. President, I hope that in this instance the person who will be benefited under this bill is clear of any taint of communism.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

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

Be it enacted, etc., That for the purposes of the immigration and naturalization laws, the alien Fawn S. Louie shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 7, 1947, the date on which he was admitted as a visitor, upon payment of head tax and visa fee. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

ALEXY W. KATYLL AND IOANNA KATYLL

The Senate proceeded to consider the bill (S. 112) for the relief of Alexy W. Katyll and Ioanna Katyll, which had been reported from the Committee on the Judiciary, with an amendment on page 1, line 8, after the numerals "1946", to insert "upon payment by each of them of \$18, which is the amount of their visa fee and head tax", so as to make the bill read:

Be it enacted, etc., That in the administration of the immigration and naturalization laws, Alexy W. Katyll and Ioanna Katyll, of San Francisco, Calif., who were admitted into the United States on temporary visas, shall be deemed to have been lawfully admitted into the United States for permanent residence as of July 18, 1946, upon payment by each of them of \$18, which is the amount of their visa fee and head tax.

SEC. 2. Upon the enactment of this act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to make appropriate deductions from the nonpreference category of the proper immigration quota or quotas.

The amendment was agreed to.

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

BILL PASSED OVER

The bill (S. 139) for the relief of Guillermo Chacartegui was announced as next in order.

Mr. SCHOEPPPEL. Mr. President, reserving the right to object, I note that

this bill provides that a Spanish citizen may remain in this country as a temporary visitor, so long as he remains in the sheep industry as a shepherd. Frankly, I think that establishes a bad precedent, and I must object.

Mr. KILGORE. Mr. President, may I say for the information of the distinguished Senator from Kansas that I am informed the citizen referred to is a Basque. There is a law permitting Basque shepherders to come into this country. I am told that Basques are the only persons who can be got to handle great flocks of sheep. This bill grants permission for him to remain so long as he is a shepherd, with a limitation, however, of 5 years. He does not become a permanent citizen.

Mr. SCHOEPPPEL. It seems to me that a person who comes in under the dignity of a law passed by the Congress of the United States certainly should not have that kind of a limitation placed on him. If he has the proper qualifications to entitle him to come in, I fail to see—

Mr. KILGORE. I will say to the distinguished Senator from Kansas that this has frequently been done. Most of the contract labor from other countries comes in with special passports to work on certain jobs. We brought farm labor into the South during the war on special passports to do certain jobs.

Mr. SCHOEPPPEL. Mr. President, will the Senator yield?

Mr. KILGORE. I yield.

Mr. SCHOEPPPEL. The bringing in of agricultural labor was under wartime restrictions, was it not?

Mr. KILGORE. Yes.

Mr. SCHOEPPPEL. This is an entirely different matter.

Mr. KILGORE. Along the border, persons from Mexico have been permitted to come over on temporary passports to pick or to cultivate cotton, and then to return to Mexico.

Mr. SCHOEPPPEL. I would say to the distinguished Senator that so far as I am personally concerned, I should much prefer to have this bill passed over until the next call of the calendar.

Mr. TOBEY. Mr. President, will the Senator yield?

Mr. KILGORE. I yield.

Mr. TOBEY. The desire is to get shepherders into the country. Why not stop the machinations by which the displaced persons bill is being kept from consideration by the Senate? There probably are many shepherders included among displaced persons.

Mr. KILGORE. That is beyond my control.

Mr. TOBEY. I do not know whether it is or not. I think the Senator has control. I should like to see him exercise his function and not permit one Senator to bar consideration.

The PRESIDING OFFICER. The bill will be passed over.

LLOYD D. LYLES

The Senate proceeded to consider the bill (S. 321) for the relief of Lloyd D. Lyles, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$404.57"

and insert "\$231.69", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lloyd D. Lyles, of Asheville, N. C., the sum of \$231.69 in full satisfaction of his claim against the United States for the difference between the salary paid him under grade CAF-2 by the General Accounting Office for the period December 5, 1947, to January 24, 1948, and the salary of grade CAF-8, the duties of which he performed during such period after having been erroneously separated from the higher grade: *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 attorney on account of services rendered in connection with this claim, and the same shall be unlawful, 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 amendment was agreed to.

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

DONALD FRANCIS WIERDA

The Senate proceeded to consider the bill (S. 570) for the relief of Donald Francis Wierda, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$37,789.21" and insert "\$10,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Donald Francis Wierda, a citizen of California, the sum of \$10,000, in full satisfaction of his claims against the United States (1) for compensation for permanent personal injuries sustained by him as a result of an automobile accident which occurred on November 22, 1945, near Antwerp, Belgium, when an automobile driven by him was struck by a United States Army vehicle, and (2) for reimbursement for medical, hospital, and other expenses or losses incurred by him as a result of such accident: *Provided*, That no part of the amount appropriated in the act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, 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 amendment was agreed to.

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

REIMBURSEMENT OF PUGET SOUND BRIDGE & DREDGING CO.

The bill (S. 736) for the reimbursement of Puget Sound Bridge & Dredging Co. was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Navy, out of funds heretofore appropriated for public works, Bureau of Yards and Docks, is hereby authorized to pay to the Puget Sound Bridge & Dredging Co., as one of the contractors under contract NOY-

3570, an amount not to exceed \$9,789.63 as reimbursement for, and in full settlement of all claims against the United States on account of, the loss of its supplies aboard the dredge *Everett* on or about September 24, 1942, and the loss of its scow No. 11 on or about November 16, 1943, without negligence or fault in either case while in transit upon the open sea for the purposes of the contract: *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 attorney on account of services rendered in connection with this claim, and the same shall be unlawful, 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.

SISTERS ANTOINETTE COMETTI ET AL.

The bill (S. 753) for the relief of Sisters Antoinette Cometti, Mary Gibin, Angela Pelosin, Emma Ghisleni, Elisabetta De Caterin, and Onorina Franzina was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the immigration and naturalization laws Sisters Antoinette Cometti, Mary Gibin, Angela Pelosin, Emma Ghisleni, Elisabetta De Caterin, and Onorina Franzina, who were admitted to the United States on temporary visas, shall be deemed to have been lawfully admitted to the United States for permanent residence as of the dates of their last entries, on payment of the required visa fees and head taxes.

SEC. 2. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct six numbers from the nonpreference category of the first available quotas for nationals of Italy.

MRS. MARIE Y. MUELLER

The bill (S. 866) for the relief of Mrs. Marie Y. Mueller was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Mrs. Marie Y. Mueller, of Spokane, Wash. The said Mrs. Marie Y. Mueller, who has resided in the United States since 1933, shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or such warrants and order have issued.

SEC. 2. Notwithstanding any provision of the immigration laws, the said Mrs. Marie Y. Mueller shall be considered as having been lawfully admitted into the United States for permanent residence as of October 1, 1933, upon the payment by her of the visa fee of \$10 and the head tax of \$8.

GLADYS INEZ GREENWOOD

The Senate proceeded to consider the bill (S. 914) for the relief of Gladys Inez Greenwood, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Gladys Inez Greenwood, of New London, Conn. (widow of Col. Donald R. Greenwood, O-6290, U. S. Army, who died on July 7, 1946, at Hot Springs,

Ark., while en route under Army orders to La Jolla, Calif., his official residence of record), an amount equal to the travel allowance to which she would have been entitled had her husband not died at Hot Springs and had he completed his journey to La Jolla, Calif., his official residence of record: *Provided*, That no part of the amount appropriated in this act in excess of 19 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, 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 amendment was agreed to.

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

JOE GRECO

The Senate proceeded to consider the bill (S. 951) for the relief of Joe Greco, which had been reported from the Committee on the Judiciary, with an amendment on page 2, after line 10, to strike out section 4, as follows:

SEC. 4. The provisions of section 307 (a) of the Nationality Act of 1940 (U. S. C., title 8, sec. 707) which require good moral character during all the periods of residence for naturalization purposes, shall not hereafter be held to apply to Joe Greco, on account of his testimony in naturalization proceedings in 1946 regarding his former conviction.

So as to make the bill read:

Be it enacted, etc., That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Joe Greco, of Tampa, Fla. From and after the date of enactment of this act, the said Joe Greco shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

SEC. 2. In the administration of the immigration laws, the said Joe Greco shall be considered as having been lawfully admitted to the United States for permanent residence as of the date of his last entry, upon payment of the required head tax and visa fee.

SEC. 3. Upon the enactment of this act, the Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct one number from the non-preference category of the first available quota for nationals of Italy.

The amendment was agreed to.

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

MILTON BUECHLER

The bill (S. 1088) for the relief of Milton Buechler was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Milton Buechler, of Norfolk, Va., the sum of \$270. The said Milton Buechler, under contract No. N-151s-76187, dated August 20, 1946, purchased a Fordson tractor and harrow from the Navy Department, and the amount above specified represents loss suffered by him by reason of the fact that such equipment was so rusted, broken, or lacking in parts as to be beyond re-

pair for any use: *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 attorney on account of services rendered in connection with this claim, and the same shall be unlawful, 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.

THEODORE CONSTANTIN TRANCU
AND WIFE

The bill (S. 1305) for the relief of Theodore Constantin Trancu and his wife was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the immigration and naturalization laws, Theodore Constantin Trancu and his wife, Anne Denise, shall be held and considered to have been lawfully admitted into the United States for permanent residence as of the date of their last entry into the United States upon payment of the required head taxes and visa fees.

SEC. 2. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct appropriate numbers from the non-preference category of the proper immigration quota or quotas.

PIERRE E. LEFEVRE

The Senate proceeded to consider the bill (S. 1310) for the relief of Pierre E. Lefevre, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause, and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Pierre E. Lefevre, Army Serial Numbered 6139983, of 557 Chestnut Street, in Manchester, N. H., the sum of \$2,500, in full settlement of all claims against the United States for damages sustained by him by reason of his having been illegally arrested and confined by the Army on the erroneous ground of absence without leave after he had been honorably discharged from the Army at Fort Devens, Mass., on October 7, 1945: *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 attorney on account of services rendered in connection with this claim, and the same shall be unlawful, 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 amendment was agreed to.

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

G. H. LAZARUS, JR., AND JESSE F.
BEWLEY

The bill (S. 1353) for the relief of G. H. Lazarus, Jr., and Jesse F. Bewley, was announced as next in order.

Mr. HENDRICKSON. Mr. President, reserving the right to object, may we have an explanation of the bill? I should like to invite the attention of the Senate to the fact that it involves a rather substantial sum of money for services.

Mr. CHAPMAN. Mr. President, early in 1941 there was an announcement by

the National Inventors Council that the armed services were badly in need of an improved gun mount. Mr. Harry Lazarus, Jr., and Mr. Jesse F. Bewley, of Bowling Green, Ky., read the announcement and began work on a mount. They submitted it to high ranking officers of the United States Army, and were sent by those officers to various military posts—Aberdeen, Md., Fort Knox, Ky., Camp Hood, Tex., and other Army installations. It is true that the mount never was officially accepted and adopted by the Army. Nevertheless, the committee says in its report, after holding very thorough and careful hearings, which I had the privilege of attending:

Gen. C. T. Harris and Col. S. J. Green, two members of the military who were intimately associated with the various phases of the tests, expressed the belief that the Army had incurred at least an ethical obligation and that Mr. Lazarus should be compensated for the money he expended in his attempt to sell the military on his gun mount. Col. John K. Boles, who was not able to be present at the hearing, has submitted an affidavit, dated August 22, 1949, in which he reiterates his faith in the mount and his belief that it is a marked improvement over current models.

The testimony adduced at the hearing makes it abundantly clear that a man, impelled by the most worthy motives, was encouraged and aided by members of the military in his efforts to secure adoption of his gun mount. It is probably quite true that the persons furnishing the encouragement were without direct authority to encourage, or contract, for the goods and services which were rendered. However, the claimant is not a lawyer, and the committee is convinced that he did what any other man in his circumstances might well have considered reasonable.

The committee, despite the adverse reports rendered by the Army and the Attorney General, are inclined to concur in the views expressed by the Army officers directly concerned and recommend that these claimants be reimbursed for what amounts to performance under a contract implied in fact.

Mr. President, I shall make a brief reference to some of the tests which were made, which I believe were sufficient to convince reasonable men that these inventors were acting in good faith, and that they were being encouraged in these tests by men speaking with authority in the Military Establishment. I shall refer to just a little of what occurred.

Arrangements were made by Colonel Green and certain Coast Artillery officers, through instructions from Colonel Gerhart, to look at the working model and they inquired of Lazarus and Bewley if they had considered making a shooting model, which would carry as large a gun as a 50-caliber machine gun. To this inquiry Lazarus and Bewley answered that they could build a shooting model. Consequently, they returned to Kentucky and produced such shooting model. After the shooting model had been tested by Lazarus and Bewley and certain other individuals in whom they placed confidence as judges of the practicability and feasibility of a shooting model, Lazarus made arrangements to test the model on the range at Fort Knox, Ky. These arrangements were made by Col. D. G. Barr, at the time chief of staff of the Armored Force headquarters at Fort Knox. This test was held in October

1941, and Capt. E. B. Lagrew—now Colonel Lagrew—was assigned to test-fire the mount. At the firing of this test by Colonel Lagrew, there came the first official request to Lazarus and Bewley relative to shooting tests and demonstrations of their mount. Col. George H. Rarey, at the time head of the Trial and Development Board of the Armored Force Board, having observed the demonstration, immediately requested a full trial and development program to be set up by Colonel Kelley, president of the Armored Force Board.

Lt. Gen. Jacob L. Devers, then major general and in charge of Armored Force headquarters at Fort Knox, heard of the tests of the gun mount and requested Lazarus to return it to Knox for him to be able to see the mount, and from the record it made he recommended that the mount be taken to Aberdeen Proving Grounds, Md. This occurred on January 2, 1942. Following this recommendation of Lieutenant General Devers, arrangements were made through Lt. Col. W. R. Gerhart of Ordnance for a test to be held at Aberdeen Proving Grounds, and Lazarus was directed on January 14, 1942, to contact Lieutenant General Gerhart as to what would need to be provided for the proposed demonstration and testing of the mount. On January 20, 1942, Lazarus and Bewley transported their mount to Aberdeen for the first Aberdeen test.

Shortly after this test, Bob Nichols, shooting editor of the well-known magazine *Field and Stream*, without revealing the nature of the gun mount, published an article in that magazine relative to its shooting features. Col. William L. Kennedy, then director of training, Air Corps, Harlingen Army Gunnery School, Harlingen, Tex., read the article, contacted Mr. Nichols, expressed interest in the mount, and requested Mr. Nichols to reveal to him the name of the person who had conceived and constructed the mount. Mr. Nichols then furnished Colonel Kennedy such information. Colonel Kennedy then contacted Mr. Lazarus by telephone and requested him to transport the mount to Harlingen, Tex.

Mr. President, I submit that patriotic citizens, eager and anxious to aid the Government, to make their inventive genius available for the defense of our country, in this case were acting in good faith in following instructions of these colonels, who held high positions in the Ordnance Gunnery School. They did not make any inquiry as to the exact authority these men had to speak for the Department of Defense. They were acting in good faith. They have submitted itemized statement, and the Committee on the Judiciary has recommended that they be paid their actual expenses for transporting this mount 57,000 miles on a truck in response to requests from high-ranking Army officers, and also for their actual subsistence during this travel. Those amounts were deducted from their income-tax returns. As to their loss of time from their regular business, the committee eliminated that item from the bill.

Mr. HENDRICKSON. Mr. President, I should like to read into the RECORD what

the War Department has had to say about this case. I quote from the committee report:

The premises upon which relief is sought in this bill are not supported by the facts. None of the expenses involved in the development, transportation, and testing of the Lazarus gun mount were incurred at the request, express or implied, of any responsible representative of the War Department. Likewise, no service was rendered to the War Department or the Army by Mr. Lazarus or Mr. Bewley at the request, express or implied, of any responsible representative of the War Department.

In time of war or great national emergency many inventors present ideas to the Military Establishment with respect to new weapons or improvements over weapons in use. Some are accepted, while many are rejected because they are either impracticable or constitute no improvement over existing weapons. To provide compensation for every inventor who presents a mechanical device or weapon to the Military Establishment for services rendered and expenses incurred in connection with the manufacture, transportation, and testing of his device or weapon would commit the Government to an impracticable policy. The enactment of the proposed legislation would result in the presentation of a great number of claims similar in principle for the payment of which no legal liability on the part of the United States exists, and the appropriation of public funds for the payment of such claims could not consistently be avoided without discrimination in favor of the present claimants.

In the light of the foregoing facts and circumstances there is no justifiable basis whatsoever for an appropriation for the relief of these claimants. It is, accordingly, recommended that the proposed legislation be not favorably considered.

Sincerely yours,

HOWARD C. PETERSEN,
Acting Secretary of War.

Mr. President, in view of that recommendation, I shall have to oppose the bill.

Mr. CHAPMAN. Mr. President, will the Senator from New Jersey yield?

Mr. HENDRICKSON. I gladly yield to the Senator from Kentucky.

Mr. CHAPMAN. In my explanation I referred to the fact that the Department of the Army had made an unfavorable report. I said that notwithstanding that unfavorable report, the Senate Committee on the Judiciary recommended payment of the claim after careful and thorough hearing, after questioning some of the high-ranking officers who had spoken for the Government in directing these men to transport this mount and make tests of it all over the country, requiring the transportation of the mount 57,000 miles. Each time they went it was not on their own initiative, but it was after they had been authorized to go by some high-ranking Army officer in a gunnery school, or in the Ordnance Department.

I do not doubt that these men had no authority to commit the Army on this proposition, but the committee was satisfied, from the testimony, that these inventors acted in good faith; that they were not merely seeking to promote some mechanical nostrum they claimed to have invented. I may say to the distinguished Senator from New Jersey that, to my personal knowledge, within the past week the Department of Defense has again showed

interest in this gun mount, and, I understand, is probably going to make some additional tests of it. But these men have spent their own money in traveling. If the average good citizen of America had been told by the colonel in command of an activity in connection with gunnery and marksmanship, "Yes, bring the mount to Texas," or "to take it back to Maryland, or to Fort Knox," he would have been recreant of his duty as a good citizen in time of war if he had not carried it to the point designated and paid his own expenses in doing so. All the committee is recommending is that the actual travel expenses and subsistence expenses be paid, when the tests were made on the recommendation of men who appeared to be responsible officials.

Mr. HENDRICKSON. Mr. President, I am very much impressed by the able argument made by the distinguished Senator from Kentucky, but I do not think we can constitute ourselves as a court of equity and dispose of the many claims which come to our attention. I think the bill we are discussing presents another example of the fact that we must set up a judicial authority to consider such claims as this one. I think the Senate Committee on the Judiciary, or certain members of it, including the distinguished Senator from West Virginia, are in favor of working out a plan whereby a judicial body can be set up to dispose of such claims, under rules of law.

Mr. CHAPMAN. Mr. President, the bill was submitted to the only judicial body to which the Senate submits proposed legislation, which is the Committee on the Judiciary, and an able subcommittee consisting of the Senator from Washington [Mr. MAGNUSON], the Senator from Mississippi [Mr. EASTLAND], and the Senator from Indiana [Mr. JENNER], examined the matter thoroughly, looked the witnesses in the face, and made this report to the full Committee on the Judiciary, our only judicial body in the Senate, and that committee reported it for the calendar of the Senate.

Mr. HENDRICKSON. Mr. President, I do not wish to be discourteous, but I feel I must ask that the bill go over until the next call of the calendar. Meanwhile I should like to consult with the Department of Defense and see if we cannot alter their position on the matter.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

MRS. AURORA M. HARTMAN AND HER TWO DAUGHTERS

The bill (S. 1376) for the relief of Mrs. Aurora M. Hartman and her two daughters was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the immigration and naturalization laws, Mrs. Aurora M. Hartman and her two daughters, Evelyn and Dorothy May, all of Denver, Colo., shall be held and considered to have been lawfully admitted into the United States for permanent residence as of the date of their last entry into the United States, upon payment of the required head taxes and visa fees.

Sec. 2. The Secretary of State is authorized and directed to instruct the proper quota-control officer to deduct three numbers from the nonpreference category of the first available immigration quota for nationals of the Philippines.

MARIA MARGARETE OTTO

The bill (S. 1413) for the relief of Maria Margarete Otto was announced as next in order.

Mr. WHERRY. Mr. President, reserving the right to object, is this a relief measure in an amount of money, or does it deal with an immigration question?

Mr. KILGORE. Mr. President, this bill deals with a German-born girl who was not a Nazi or a Nazi sympathizer, and who married an American merchant seaman in Germany. She is his wife, but cannot come to America because the American consul in Germany has denied her a visa. However, she is the wife of an American citizen, a merchant seaman. The bill would simply give her the right which I personally think the consul should have given to her in Germany.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 1414) for the relief of Maria Margarete Otto, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 4, after the word "citizen," to strike out "If she is found otherwise admissible under the immigration laws, an immigration visa may be issued and admission granted to the said Maria Margarete Otto under this act upon application hereinafter filed," so as to make the bill read:

Be it enacted, etc., That in the administration of the immigration laws, relating to the issuance of immigration visas for admission to the United States for permanent residence and relating to admissions at ports of entry of aliens as immigrants for permanent residence in the United States, that provision of section 3 of the Immigration Act of 1917, as amended (U. S. C., title 8, sec. 136 (c)), which excludes from admission into the United States "persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude," shall not hereafter be held to apply to Maria Margarete Otto (nee Maria Margarete Hertz), the wife of Charles S. Otto, an American citizen.

The amendment was agreed to.

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

ROBERT B. WORKMAN

The Senate proceeded to consider the bill (S. 1449) for the relief of Robert B. Workman, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 6, after the words "sum of", to strike out "\$5,531.71" and insert "\$4,125", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert B. Workman, of Lincoln, Maine, the sum of \$4,125, in full satisfaction of his claim against the United States for reimbursement for house-

hold and personal effects destroyed on December 17, 1938, when the station building in which he was residing with his family while serving as an employee of the Civil Aeronautics Authority at the United States Airways Communication Station, Knight Field, Evanston, Wyo., was destroyed by fire caused by a defective flue and chimney in the communication station: *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 attorney on account of services rendered in connection with this claim, and the same shall be unlawful, 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 amendment was agreed to.

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

ALFRED F. BOSCHE

The bill (S. 1532) for the relief of Alfred F. Bosche was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 404 of the Nationality Act of 1940, Alfred F. Bosche, an honorably discharged veteran of the United States armed forces, shall be held and considered to have retained his United States citizenship regardless of any period of residence outside the United States.

HARRY COMBER

The Senate proceeded to consider the bill (S. 1534) for the relief of Harry Comber, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 5, after the name "Harry", to strike out "Comber the sum of \$492.05, with accrued interest from date due to date paid. Such sum shall be reimbursement of a like amount expended by the said Harry Comber for automobile services rendered as an employee under the Public Works Administration during the years 1933 and 1934, in the city of Los Angeles, State of California, under the direction of F. E. Trask, State engineer of California, and an advisory board composed of Hamilton H. Cotton, Franck Havenner, E. F. Scattergood, and Justus Wardell" and insert "of 1531 East Wilson Avenue, Glendale, Calif., the sum of \$488.05, in full satisfaction of his claim against the United States as compensation for use of his automobile during the years 1933 and 1934, in the State of California, under the direction of the Public Works Administration and/or the Civil Works Administration and/or F. E. Trask, State engineer of California and/or an advisory board composed of Hamilton H. Cotton, Franck Havenner, E. F. Scattergood, and Justus Wardell" and insert "of 1531 East Wilson Avenue, Glendale, Calif., the sum of \$488.05, in full satisfaction of his claim against the United States as compensation for use of his automobile during the years 1933 and 1934, in the State of California, under the direction of the Public Works Administration and/or the Civil Works Administration and/or F. E. Trask, State engineer of California and/or an advisory board composed of Hamilton H. Cotton, Franck Havenner, E. F. Scattergood, and Justus Wardell: *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 attorney on account of services rendered in connection with this claim, and the same shall be unlawful, 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", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry Comber, of 1531 East Wilson Avenue, Glendale, Calif., the sum of \$488.05, in full satisfaction of his claim against the United States as compensation for use of his automobile during the years 1933 and 1934, in the State of California, under the direction of the Public Works Administration and/or the Civil Works Administration and/or F. E. Trask, State engineer of California, and/or an advisory board composed of Hamilton H. Cotton, Franck Havenner, E. F. Scattergood, and Justus Wardell: *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 attorney on account of services rendered in connection with this claim, and the same shall be unlawful, 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 amendment was agreed to.

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

ERNEST E. HEINTZ

The Senate proceeded to consider the bill (S. 1552) for the relief of Ernest E. Heintz, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That in the administration of the immigration laws, relating to the issuance of immigration visas for admission to the United States for permanent residence and relating to admissions at port of entry of aliens as immigrants for permanent residence in the United States, that provision of section 3 of the Immigration Act of 1917, as amended (U. S. C., title 8, sec. 136 (e)), which excludes from admission into the United States persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude, shall not hereafter be held to apply to Ernest E. Heintz, of Windsor, Ontario, Canada.

The amendment was agreed to.

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

RIYOKO SATO

The bill (S. 1702) for the relief of Riyoko Sato, was considered, order to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 13 (c) of the Immigration Act of 1924, as amended, or any of the other provisions of the immigration laws relating to the exclusion of aliens ineligible to citizenship, the Attorney General is authorized and directed to permit the entry into the United States for permanent residence of Riyoko Sato, the Japanese fiancée of William F. Corkery, a citizen of the United States and an honorably discharged veteran of World War II: *Provided*, That the administrative authorities find that the said Riyoko Sato is coming to the United States with a bona fide intention of being married to William F. Corkery and that she is found otherwise admissible under the immigration laws. In the event the marriage between the

above-named parties does not occur within 3 months after the entry of said Riyoko Sato, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 19 and 20 of the Immigration Act of February 5, 1917 (U. S. C., title 8, secs. 155 and 156).

HANS JURGEN SCHWEIKERT

The Senate proceeded to consider the bill (S. 1894) for the relief of Hans Jurgen Schweikert, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and insert:

That in the administration of the immigration and naturalization laws Hans Jurgen Schweikert, Tubingen, Wurttemberg, Germany, shall be deemed to be the child of his great-uncle, who is an American citizen and veteran of World War II. If he is further otherwise admissible under the provisions of the immigration laws, he shall be granted the status of a nonquota immigrant.

The amendment was agreed to.

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

JACKSON RILEY HOLLAND

The bill (S. 2084) for the relief of Jackson Riley Holland was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for the purposes of the immigration and naturalization laws, Jackson Riley Holland, who is the adopted child of Walter Jackson Holland and Margaret Edna Holland, husband and wife, and who are native-born American citizens, shall be deemed to be the child of said Walter Jackson Holland and Margaret Edna Holland and shall, if otherwise admissible under the immigration laws, be granted the status of a nonquota immigrant.

PENELOPE COROLYN COX

The Senate proceeded to consider the bill (S. 2100) for the relief of Penelope Corolyn Cox, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That Penelope Corolyn Cox, who is presently residing in Canada and who was born in India of British parents, shall be deemed to have been born in Great Britain.

Mr. HENDRICKSON. Mr. President, I call attention to the fact that the Department of Justice opposes this type of legislation. I should like to have an explanation of the bill.

Mr. KILGORE. Mr. President, the explanation I have to give is that no matter how much justification is presented for the passage of such a measure, dealing with immigration, the Department of Justice almost invariably opposes anything which does not comply strictly with the code. No matter how justifiable a case may be, unless it complies strictly with the code, objection is made.

Some time ago evidence was introduced in connection with an immigration case, showing that it would be highly dangerous for the individual involved to be sent back across the sea. Some persons may say that the committee does not report adversely on any cases.

Let me say, Mr. President, that what happens in the committee is that the bills are studied for months, all the records are obtained. The staff acts on them, and the committee acts on them, and discusses each case, and if we think there is just reason for overriding the recommendation of the Department we proceed to do so.

Mr. WHERRY. Mr. President, I may say to the distinguished Senator from West Virginia that I recall the very forceful argument which was presented by the Senator from Nevada [Mr. McCARRAN] in behalf of Order No. 570, Senate bill 1165, in an effort to have a few sheepherders brought to the United States. Certainly Nebraska is very much interested in obtaining the help of some sheepherders. That bill was objected to. Today we have had before us scores of cases in which immigrants are proposed to be admitted, beyond the quota measure, in some cases protests being made by the departments; yet it is sought to bring in such individuals by special legislation. It seems to me there is no system about the matter whatever.

So far as I am concerned, if the Senator does not want to permit the sheepherders to be brought in, I have made my last argument in favor of having them brought in. I should like to see sheepherders brought in. Our farmers need them. But we cannot have them brought in. Yet the Senator has just stated that Mexican labor is brought into the United States to help pick fruit and vegetables, under an emergency law, and then they are returned to Mexico when they have completed their work. We have tried to have a few sheepherders brought to Nebraska, Wyoming, and Utah, but we have not succeeded in our efforts. Senators who wish to object have a right to do so. I am not complaining of any objection that may be made. I repeat, that there appears to be no rhyme or reason for what we are doing here in acting on bills which grant special dispensation to certain individuals, whereas we cannot succeed in having a relatively small number of sheepherders brought to the United States. I cannot fathom the methods that are being used.

Mr. KILGORE. I may say to the Senator from Nebraska that the Committee on the Judiciary is trying to have the sheepherders brought to the United States. The Senator addresses his remarks to me. He should address his remarks to those Senators who have objected, not to the Committee on the Judiciary. His remarks should be addressed to Senators who make objections every time the bill providing for bringing in sheepherders comes up. The Committee on the Judiciary tries to defend that bill whenever it is reached on the calendar.

Mr. WHERRY. I was not addressing myself to the Judiciary Committee. I was addressing my remarks to the Senate as a whole.

Mr. KILGORE. I thank the Senator for that statement. I was not even given a chance to explain the bill when it was reached on the calendar today, it was passed over so fast.

Mr. WHERRY. As I have said, my objection comes about by reason of the fact

that there is no consistent plan. In a certain case an individual comes to the United States on a temporary visa. We grant him permanent citizenship because he is a laborer, and probably is entitled to permanent citizenship. But he comes in over and above the quota. However, because of the fact that he is here, rather than send him back he is given permanent citizenship. As I have said, if we are to have a quota basis for immigration, let us adhere to it. On every call of the calendar we find the same situation arising.

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

The amendment was agreed to.

The bill (S. 2100) was ordered to be engrossed for a third reading, read the third time, and passed.

ALAMO IRRIGATION CO.

The Senate proceeded to consider the bill (S. 2119) for the relief of the Alamo Irrigation Co., which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That interest which accrued on said note from August 7, 1946, to June 17, 1947, in the sum of \$1,193.50 is hereby waived and the Secretary of Agriculture is authorized and directed to cause the proper entries to be made in the accounting records of the Department of Agriculture to effect such waiver.

The amendment was agreed to.

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

The preamble was agreed to, as follows:

Whereas Alamo Irrigation Co., of Alamo, Nev., under date of August 7, 1946, executed its promissory note to the United States for \$46,200 for moneys advanced on that date by the United States for the purpose of lining its irrigation canals and installing therein certain turn-out structures pursuant to an act of August 23, 1937, entitled "An act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes" (50 Stat. 869); and

Whereas Alamo Irrigation Co. was not permitted to use the funds advanced unless countersigned by a duly authorized representative of the Secretary of Agriculture; and

Whereas Alamo Irrigation Co. was unable to obtain bids within the limits of available funds for lining the canals and was further delayed from the use of such funds by the necessity of transporting irrigation water until the 1947 crops were matured: Therefore.

HENRIQUE SANTOS

The Senate proceeded to consider the bill (S. 2429) for the relief of Henrique Santos, which was read as follows:

Be it enacted, etc., That notwithstanding the provisions of section 3 (a) of the act of September 16, 1940 (54 Stat. 896), as amended, Henrique Santos shall not be denied the privilege of becoming a naturalized citizen of the United States, provided he is otherwise eligible under the naturalization laws.

Mr. SCHOEPEL. Mr. President, I note that in the committee report no reference whatever is made to either the

Department of Justice report or the report of any other department. May we have an explanation of this omission?

Mr. KILGORE. Mr. President, I will say to the distinguished Senator that the explanation I would have to give comes under the secrecy rule to such a very great extent that I could not make it. This man rendered very valuable service to the United States Government. I am not at liberty to disclose the agency for which he was working. He is highly recommended for the extremely valuable service he performed for this country during the war and immediately following.

Mr. SCHOEPPPEL. May I ask the distinguished Senator, if that is the category under which this gentleman is seeking citizenship, whether the Department could not at least have indicated that it had no objection?

Mr. KILGORE. It is not the same department. We are still operating under the formal objection. If he does not come within the very strict ruling, the law is not departed from. Every case that comes before us is a case in which objection is filed because the person involved cannot be brought within the rule. The Senator may remember that I had a most difficult time getting the bill through to allow Dr. Lui, the Chinese nuclear physicist, to enter the country. The Department was getting ready to ship her back to the interior of China, into the hands of the Communists, despite the fact that the Atomic Energy Commission, the Joint Committee on Atomic Energy, and every other Government agency interested recommended that she be allowed to enter. Yet it was proposed to ship her back into the interior of China.

Mr. SCHOEPPPEL. May I ask the Senator whether the report of the committee was unanimous in this case?

Mr. KILGORE. It was.

Mr. WHERRY. Mr. President, reserving the right to object, what is so secret about this case that the Senator from West Virginia cannot tell the Senate about it? That is apparently the basis upon which citizenship is to be granted.

Mr. KILGORE. I have never yet known of anything which took place in an executive session which did not get out.

Mr. WHERRY. Does it have to do with the Atomic Energy Commission?

Mr. KILGORE. No.

Mr. WHERRY. With the military service?

Mr. KILGORE. I shall be glad to tell the distinguished Senator from Nebraska or any other Senator privately.

Mr. WHERRY. On that basis, anyone could get in. A Senator could rise and say, "This is secret, and we ought to give this man citizenship."

The PRESIDING OFFICER. 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.

SISTER ELIZABETH KENNY

The Senate proceeded to consider the joint resolution (S. J. Res. 105) to provide unrestricted entry privileges for Sis-

ter Elizabeth Kenny, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That Elizabeth Kenny, also known as Sister Elizabeth Kenny, a native of Warrialdia, New South Wales, Australia, and a resident of Australia, be, and hereby is, granted the privilege of entering the United States as a temporary visitor as often or as frequently as she may desire to enter, notwithstanding that under the provisions of section 3 of the Immigration Act of 1924, as amended, she would be classed an "immigrant," and notwithstanding that at the time of such entry or entries she does not possess an immigration visa, passport visa, transit certificate, or other document entitling an alien to present himself for admission to the United States.

Sec. 2. That, inasmuch as the said Elizabeth Kenny was registered and fingerprinted on four occasions, in accordance with the provisions of title III of the Alien Registration Act, 1940, as amended, and, in view of the exemption from the presentation of certain documents granted to the said Elizabeth Kenny by this act, none of the provisions of title III of the Alien Registration Act, 1940, shall apply, henceforth, to the said Elizabeth Kenny.

Sec. 3. That the provisions of section 2 of the Immigration Act of 1917, as amended, relating to the levying, collection, and payment of a tax of \$8 for every alien entering the United States, shall not apply to the said Elizabeth Kenny.

Sec. 4. That the provisions of section 15 of the Immigration Act of 1924, as amended, respecting the duration of stay and the maintenance of exempt status of a temporary visitor, shall not apply to the said Elizabeth Kenny.

Sec. 5. That nothing in this act shall relieve the said Elizabeth Kenny from complying with all of the other laws of the United States respecting the admission of aliens to, the exclusion of aliens from, and the departure of aliens from, the United States.

The amendment was agreed to.

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

MIKE CLIPPER

The bill (H. R. 584) for the relief of Mike Clipper, was considered, ordered to a third reading, read the third time, and passed.

COL. DAVID R. WOLVERTON

The bill (H. R. 588) for the relief of Col. David R. Wolverton, United States Army, retired, was considered, ordered to a third reading, read the third time, and passed.

LOUISE PETERS LEWIS

The Senate proceeded to consider the bill (H. R. 683) for the relief of Louise Peters Lewis, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 6, after the word "and", to strike out "Germany" and insert "Germany: *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 attorney on account of services rendered in connection with this claim, and the same shall be unlawful, 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 amendment was agreed to.

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

The bill was read the third time and passed.

MRS. MARY A. BAILEY

The bill (H. R. 695) for the relief of Mrs. Mary A. Bailey was considered, ordered to a third reading, read the third time, and passed.

CLAIM OF FRANK HAEGELE

The Senate proceeded to consider the bill (H. R. 733) to confer jurisdiction upon the United States District Court for the Central Division of the Southern District of California to hear, determine, and render judgment upon the claim of Frank Haegle, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 10, after the name "United States Code" to insert: "*Provided*, That nothing in this act shall be construed as an inference of liability on the part of the Government of the United States."

The amendment was agreed to.

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

The bill was read the third time and passed.

CLAIM OF EDWARD GRAY, SR., AND OTHERS

The Senate proceeded to consider the bill (H. R. 752) conferring jurisdiction upon the United States District Court for the Eastern District of Michigan to hear, determine, and render judgment upon the claim of Edward Gray, Sr., Edward Gray, Jr., Bertha Mae Gray, Bertha Patmon, and Lindsay Gardner, all of the city of Hamtramck, Wayne County, Mich., which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 14, after the word "amended", to insert "*Provided*, That the passage of this act shall not be construed as an inference of liability on the part of the Government of the United States."

The amendment was agreed to.

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

The bill was read the third time and passed.

GEORGE M. FORD

The Senate proceeded to consider the bill (H. R. 1019), for the relief of George M. Ford.

Mr. SCHOEPPPEL. Mr. President, I note that two departments of the Government strenuously object to this claim. May we have an explanation?

Mr. KILGORE. Mr. President, this bill was originally considered by a subcommittee of one, consisting of the Senator from North Dakota [Mr. LANGER], and was reported favorably. It was then referred to a subcommittee of three, consisting of the Senator from Michigan [Mr. FERGUSON], the Senator from Maryland [Mr. O'CONNOR], and former Senator McGrath, of Rhode Island. This sub-

committee also reported the bill favorably.

I read from the report:

The purpose of the proposed legislation is to pay the sum of \$750 to George M. Ford, of Birmingham, Ala., for compensation for personal injuries sustained by him on November 19, 1943, while he was a member of the volunteer auxiliary police unit, United States Citizens Defense Corps, Birmingham, Ala.

The claim was originally denied administratively on the ground that the work in which the claimant was engaged at the time of the injury, the loading and unloading of scrap, was not a part of his official duties as a member of the auxiliary police unit, United States Citizens Defense Corps.

A subcommittee hearing on this claim was held on July 15, 1949, and it is the view of the committee that inasmuch as the work in which the claimant was engaged at the time of his injury was work which he had been called upon by the officials of his unit to perform, there are persuasive equities for the payment of the claim in the amount of \$750. There are persuasive arguments in his behalf. He was requested to load the scrap by the head of the unit, although it was not a part of the duty of that unit, and in so doing he was injured. The \$750 would pay doctor bills and hospital bills.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

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

RELIEF OF LEGAL GUARDIAN OF MOODY L. SMITHERMAN, JR., AND MOODY L. SMITHERMAN

The bill (H. R. 1020) for the relief of the legal guardian of Moody L. Smitherman, Jr., a minor, and Moody L. Smitherman was considered, ordered to a third reading, read the third time, and passed.

MRS. ETHEL BARRINGTON MacDONALD

The bill (H. R. 1033) for the relief of Mrs. Ethel Barrington MacDonald was considered, ordered to a third reading, read the third time, and passed.

EDGAR BARBRE

The bill (H. R. 1097) for the relief of Edgar Barbre was considered, ordered to a third reading, read the third time, and passed.

KING V. CLARK

The Senate proceeded to consider the bill (H. R. 1106) for the relief of King V. Clark, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 5, after the words "the sum of" to strike out "\$4,500" and insert "\$3,500."

The amendment was agreed to.

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

The bill was read the third time and passed.

ETHEL ROTH

The bill (H. R. 1447) for the relief of Ethel Roth was considered, ordered to a third reading, read the third time, and passed.

JOSEPH R. GREGORY

The Senate proceeded to consider the bill (H. R. 1458) for the relief of Joseph R. Gregory, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 6, after the words "the sum of", to strike out "\$3,898.26" and insert "\$1,811.79"; on page 2, line 4, after the word "by", to strike out "military maneuvers held in the State of Louisiana in 1941, and by"; and in line 6, after the word "in", to strike out "1941 and."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

CLAIM OF MIGUEL A. VIERA

The Senate proceeded to consider the bill (H. R. 1474) to confer jurisdiction upon the United States District Court for the Southern District of New York to hear, determine, and render judgment upon the claim of Miguel A. Viera for damages sustained as the result of an accident involving a United States Army truck at Leghorn, Italy, on January 11, 1946, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 7, after the word "accident", to insert "allegedly"; and on page 2, line 8, after the word "amended", to insert "Provided, That the passage of this act shall not be construed as an inference of liability on the part of the Government of the United States."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MRS. MARY CAPODANNO

The bill (H. R. 1484) for the relief of Mrs. Mary Capodanno, and the legal guardian of Vincent Capodanno was considered, ordered to a third reading, read the third time, and passed.

MRS. DORA FRUMAN

The Senate proceeded to consider the bill (H. R. 1637) for the relief of Mrs. Dora Fruman, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the words "the sum of", to strike out "\$15,000" and insert "\$25,000."

Mr. HENDRICKSON. Mr. President, reserving the right to object, I wonder if I may ask the sponsors of this bill why the Senate committee raised the amount of damages from \$15,000, as provided by the House, to \$25,000.

Mr. KILGORE. Mr. President, I was not present at the committee meeting when this bill was approved and the amount was increased. The reason why the amount was increased was the fact that the evidence developed before the committee indicated that she required a great amount of care because she cannot control the actions of the normal functions of the body at all, and someone must be with her at all times. In other words, she has no control over the action of the bowels, or anything else. She is in very bad condition. That is

why the amount was raised. It was felt that due to the possible expectancy of life and the amount of care involved, the amount should be increased above what the House had allowed.

Mr. HENDRICKSON. Will the Senator from West Virginia be good enough to inform the Senate just how this lady was injured?

Mr. KILGORE. She fell on the steps of the post office. There was soapy water on the steps which was exactly the same color as the steps, and she could not even tell that they were wet. In stepping out of the post office, she slipped on the soapy water. Unquestionably there was negligence. The area either should have been marked off or the water should have been mopped up before people were permitted to go there. She was injured by a fall at that spot.

Mr. HENDRICKSON. I wonder whether she was in the employ of the Government or was engaged in performing service for the Government at the time of her injury.

Mr. KILGORE. No; the accident occurred in a post-office building, and she was simply a citizen who was going to the post office.

Her hospital expenses to date have been in excess of \$11,000.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. KILGORE. Certainly.

Mr. WHERRY. What about negligence? Was negligence admitted on the part of the Government?

Mr. KILGORE. Yes; it was admitted that the whole thing was negligently handled, and that protection should have been afforded. She was the victim of the negligence of the post-office authorities there or the people who handled the work.

Mr. WHERRY. How long ago did the accident happen?

Mr. KILGORE. On August 14, 1942.

Mr. WHERRY. Since that time, she has had hospitalization and doctor's care; is that correct?

Mr. KILGORE. Yes; she has had over \$11,000 in hospital bills alone.

Mr. HENDRICKSON. I assume that the subcommittee was unanimous in its report. Is that correct?

Mr. KILGORE. My information is that it was; yes.

Mr. HENDRICKSON. And it was unanimous in regard to the amount of relief to be granted; is that correct?

Mr. KILGORE. I think so.

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

The amendment was agreed to.

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

The bill was read the third time and passed.

MAURICE J. SYMMS

The bill (H. R. 1666) for the relief of Maurice J. Symms was considered, ordered to a third reading, read the third time, and passed.

COHEN GOLDMAN & CO., INC.

The bill (H. R. 1794) for the relief of Cohen Goldman & Co., Inc., was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. WHERRY. Mr. President, may we have an explanation of the bill? The amount involved seems to be rather large.

Mr. KILGORE. The purpose of the bill is to pay a garment manufacturer for loss and damage sustained on a contract with the Government. The Court of Claims reached a finding that he was entitled to the relief; but that finding still does not give him the money; the Congress has to pass a bill providing the money, in carrying out the order of the Court of Claims.

Mr. WHERRY. Very well; I have no objection.

The PRESIDING OFFICER. Is there objection?

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

HOWARD E. GIROUX

The bill (H. R. 1800) for the relief of Howard E. Giroux was considered, ordered to a third reading, read the third time, and passed.

MITSUO HIGA AND HILO SUGAR CO.

The Senate proceeded to consider the bill (H. R. 1864) for the relief of the legal guardian of Mitsuo Higa, a minor, and Hilo Sugar Co., which had been reported from the Committee on the Judiciary with an amendment on page 1, line 6, after the word "to", to strike out "the legal guardian of Mitsuo Higa, a minor" and insert "Mitsuo Higa."

The amendment was agreed to.

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

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Mitsuo Higa and Hilo Sugar Co."

FRANK G. MOORE

The bill (H. R. 2075) for the relief of Frank G. Moore was considered, ordered to a third reading, read the third time, and passed.

HELEN MORREN

The bill (H. R. 2457) for the relief of Helen Morren was considered, ordered to a third reading, read the third time, and passed.

NICHOLAS C. KALCOUTSAKIS

The bill (H. R. 2921) for the relief of Nicholas C. Kalcoutsakis was considered, ordered to a third reading, read the third time, and passed.

DR. LEON L. KONCHEGUL

The bill (H. R. 2928) for the relief of Dr. Leon L. Konchegul was considered, ordered to a third reading, read the third time, and passed.

Mr. WHERRY. Mr. President, House bill 2928, Calendar 1045, has just been passed; has it not?

The PRESIDING OFFICER. Yes.

Mr. WHERRY. I ask unanimous consent that the vote by which the bill was passed be reconsidered, and that we return to the bill, so that I may be permitted to ask a question about it.

The PRESIDING OFFICER. Without objection, the vote by which the bill was passed is reconsidered; the bill is now before the Senate.

Mr. WHERRY. Mr. President, I should like to ask the distinguished Senator to tell us something about the relief that is requested in the case of Dr. Leon L. Konchegul.

Mr. KILGORE. He came to the United States on a student's visa.

Mr. WHERRY. I suppose this is another case of bypassing the quota until the time comes when his admission can be charged to the quota. Is that correct?

Mr. KILGORE. He is here under an internship at St. Elizabeths Hospital, a public institution; and he has two more years to stay. The purpose of the bill is to permit him to stay.

Mr. WHERRY. Inasmuch as an internship is involved, I shall not object.

The PRESIDING OFFICER. The question is on the passage of the bill. The bill was passed.

MAURICE G. EVANS

The Senate proceeded to consider the bill (H. R. 3081) for the relief of Maurice G. Evans, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Maurice G. Evans, deceased, of Bakersfield, Calif., the sum of \$6,500, in full settlement of all claims against the United States for the personal injury and death of the said Maurice G. Evans as a result of an accident involving an Army vehicle which occurred at the intersection of Kern Island Road and Taft Highway, Kern County, Calif., on October 24, 1944: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any subrogee: *And provided further*, 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 this claim, and the same shall be unlawful, 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 amendment was agreed to.

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

The bill was read the third time and passed.

JURISDICTION REFERENCE TO COURT OF CLAIMS OF CLAIM OF MRS. ZELMA INEZ CHEEK

The bill (H. R. 3252) to confer jurisdiction upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Mrs. Zelma Inez Cheek was considered, ordered to a third reading, read the third time, and passed.

VIVIAN NEWELL PRICE

The bill (H. R. 3405) for the relief of Vivian Newell Price was considered, ordered to a third reading, read the third time, and passed.

ALFRED BAUMGARTS

The bill (H. R. 3413) for the relief of Alfred Baumgarts was considered, ordered to a third reading, read the third time, and passed.

JURISDICTION OF CLAIM OF MABEL COLLIVER

The bill (H. R. 3499) to confer jurisdiction upon the United States District Court for the Central Division of the Southern District of California to hear, determine, and render judgment upon the claim of Mabel Colliver, was considered, ordered to a third reading, read the third time, and passed.

ELEANOR P. SIMMONDS

The bill (H. R. 3534) for the relief of Eleanor P. Simmonds, as administratrix of the estate of Norman B. Simmonds, deceased, was considered, ordered to a third reading, read the third time, and passed.

MRS. KATHERINE GEHRINGER

The Senate proceeded to consider the bill (H. R. 3598) for the relief of Mrs. Katherine Gehringer, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 9, after the word "injuries", to insert "and property damage"; and in line 10, after the word "when", to strike out "she" and insert "an automobile owned by her husband, John Gehringer, Sr., now deceased, and which she was then driving."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 3718) for the relief of George Seeman Jensen was announced as next in order.

Mr. SCHOEPEL. Let the bill go over. The PRESIDING OFFICER. The bill will be passed over.

CECIL E. GORDON

The bill (H. R. 3810) for the relief of Cecil E. Gordon was considered, ordered to a third reading, read the third time, and passed.

ALEXIS LEGER—BILL PASSED OVER

The bill (H. R. 3816) for the relief of Alexis Leger was considered, ordered to a third reading, read the third time, and passed.

Mr. SCHOEPEL subsequently said: Mr. President, out of order, I ask unanimous consent that the vote by which House bill 3816, Calendar 1055, was passed, be reconsidered. I wish to note objection to the bill.

The PRESIDING OFFICER. Without objection, the vote is reconsidered.

Does the Chair correctly understand that the Senator from Kansas asks that the bill be passed over?

Mr. SCHOEPEL. Yes, please.

The PRESIDING OFFICER. Objection being heard, the bill will go over.

Mr. KILGORE. Does the Senator ask that the bill go over because he wishes information which I may be able to supply?

Mr. SCHOEPEL. I think not.

Mr. KILGORE. Does the Senator wish more time to study the bill?

Mr. SCHOEPPPEL. Yes; please.

Mr. KILGORE. Very well.

The PRESIDING OFFICER. Objection has been heard, and the bill is passed over:

CARL C. BALLARD

The bill (H. R. 3863) for the relief of Carl C. Ballard was considered, ordered to a third reading, read the third time, and passed.

BUNGE NORTH-AMERICAN GRAIN CORP. AND OTHERS

The Senate proceeded to consider the bill (H. R. 4094) for the relief of Bunge North-American Grain Corp., the Corporacion Argentina de Productores de Carnes, Herman M. Gidden, and the Overseas Metal & Ore Corp., which had been reported from the Committee on the Judiciary with amendments, on page 1, line 3, after the word "the", to strike out "Secretary of the Treasury" and insert "General Accounting Office"; at the beginning of line 10, to strike out "pay" and insert "certify payment to"; on page 2, line 1, after the word "for", to strike out "their" and insert "the moving"; in line 2, after the word "costs", to strike out "or damages, consequential, incidental, or otherwise" and insert "if any"; in line 3, after the word "claimants", to insert "allegedly"; and in the same line, after the word "suffered", to insert "directly or indirectly."

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

KATHERINE H. CLAGETT

The bill (H. R. 4165) for the relief of Katherine H. Clagett was considered, ordered to a third reading, read the third time, and passed.

JAN LIGA

The bill (H. R. 4186) for the relief of Jan Liga was considered, ordered to a third reading, read the third time, and passed.

DORA M. BARTON

The Senate proceeded to consider the bill (H. R. 4414) for the relief of Dora M. Barton, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 5, after the word "of", to strike out "\$15,000" and insert "\$11,861.66."

The amendment was agreed to.

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

The bill was read the third time and passed.

ELMO SODERGREN

The bill (H. R. 4556) for the relief of the estate of Elmo Sodergren was considered, ordered to a third reading, read the third time, and passed.

MRS. SARAH E. THOMPSON

The bill (H. R. 4563) for the relief of Mrs. Sarah E. Thompson was considered, ordered to a third reading, read the third time, and passed.

JURISDICTION OF CLAIM OF EUNICE HAYES AND OTHERS

The bill (H. R. 4564) to confer jurisdiction upon the United States District Court for the Central Division of the Southern District of California to hear, determine, and render judgment upon the claim of Eunice Hayes, Kathryn Hayes, and Florence Hayes Gaines, was considered, ordered to a third reading, read the third time, and passed.

J. D. LECKY

The bill (H. R. 4777) for the relief of J. D. Lecky was considered, ordered to a third reading, read the third time, and passed.

HARRY FUCHS

The bill (H. R. 4792) for the relief of Harry Fuchs was considered, ordered to a third reading, read the third time, and passed.

MRS. JACK J. O'CONNELL

The bill (H. R. 4889) for the relief of Mrs. Jack J. O'Connell, was considered, ordered to a third reading, read the third time, and passed.

JURISDICTION OF CLAIM OF HILDA LINKS AND OTHERS

The Senate proceeded to consider the bill (H. R. 5148) to confer jurisdiction upon the District Court for the Territory of Alaska to hear, determine, and render judgment upon the claim or claims, of Hilda Links and E. J. Ohman, partners, and Fred L. Kroesing, all of Anchorage, Alaska, which had been reported from the Committee on the Judiciary with an amendment on page 2, line 17, after the word "court", to insert a colon and the following proviso: "Provided, That the passage of this act shall not be construed as an inference of liability on the part of the Government of the United States."

The amendment was agreed to.

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

The bill was read the third time and passed.

MRS. GIOVANNA FOLLO DISCEPOLO—BILL PLACED AT FOOT OF CALENDAR

The bill (H. R. 5299) for the relief of Mrs. Giovanna Follo Discepolo was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SCHOEPPPEL. Mr. President, reserving the right to object, may we have an explanation of the bill? In particular, I should like to note that, if I remember correctly, this person voted in the Italian elections and forfeited the right she had to American citizenship. I should like to have an explanation as to why the bill should be passed.

Mr. KILGORE. She lost her citizenship by marriage to a citizen of Italy. It is a matter of the loss of her citizenship, which she now seeks to regain. Her people all live in the vicinity of Boston and in Connecticut. That is the basis of the bill.

Mr. SCHOEPPPEL. Mr. President, I should like to ask the distinguished Senator whether this individual did not

exercise her rights in voting in the Italian elections and thereby indicated that she was relinquishing her rights in the United States?

Mr. KILGORE. Oh, yes. She voted in the Italian elections. She became a citizen by marriage, and also expatriated herself by voting. That is what puts her in a little different category. As a citizen of Italy, she participated in the election.

Mr. SCHOEPPPEL. Can the distinguished Senator give us the views of the State Department on the matter? Is there a report from the State Department?

Mr. KILGORE. I do not think we have a report from the State Department on the bill. All the committee had was the report of the Attorney General. He is supposed to check up with the other departments on all such matters to obtain full information.

Mr. SCHOEPPPEL. Will the distinguished Senator have any objection to this measure going over to the next calendar call, in order to have the matter checked into in one other particular?

Mr. KILGORE. Oh, no.

Mr. SALTONSTALL. Mr. President, if the Senator will yield, this bill was introduced by a Representative from Boston. I do not have the list here, but I understand this lady either has relatives in Boston, or lives there herself; that she returned to Italy temporarily, and that the bill is a meritorious one. If the Senator has any specific objections, I shall try to get the answers for him, if he will let the bill be put at the foot of the calendar.

Mr. SCHOEPPPEL. I have asked that it go over to the next calendar call. There is another matter or two about which I was in doubt, in making the inquiry.

Mr. SALTONSTALL. Mr. President, is the Senator willing to let the bill go to the foot of the calendar?

Mr. SCHOEPPPEL. Yes, I am willing to have that done.

The PRESIDING OFFICER. Without objection, the bill will be placed at the foot of the calendar.

MAX SCHLEDERER

The bill (H. R. 5353) for the relief of Max Schlederer was considered, ordered to a third reading, read the third time, and passed.

MRS. HILDA DE SILVA

The bill (H. R. 5375) for the relief of Mrs. Hilda De Silva was considered, ordered to a third reading, read the third time, and passed.

MRS. CLAUDIA WEITLANNER

The bill (H. R. 5539) for the relief of Mrs. Claudia Weitlanner was considered, ordered to a third reading, read the third time, and passed.

BELLE ISLE CAB CO., INC.

The bill (H. R. 5582) for the relief of Belle Isle Cab Co., Inc., was considered, ordered to a third reading, read the third time, and passed.

JOE D. DUTTON

The bill (H. R. 5777) for the relief of Joe D. Dutton was considered, ordered

to a third reading, read the third time, and passed.

MRS. TOSHIKO KEYSER

The bill (H. R. 5851) for the relief of Mrs. Toshiko Keyser was considered, ordered to a third reading, read the third time, and passed.

D. A. SULLIVAN & SONS, INC., ET AL.

The resolution (S. Res. 165) referring the bill H. R. 1598 to the Court of Claims was considered and agreed to, as follows:

Resolved, That the bill (H. R. 1598) entitled "A bill for the relief of D. A. Sullivan & Sons, Inc., and Thomas F. Harney, Jr., doing business as Harney Engineering Co.," now pending in the Senate, together with all the accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

RUTGERS UNIVERSITY

The resolution (S. Res. 166), referring Senate bill 1111, a bill for the relief of Rutgers University, to the Court of Claims, was considered and agreed to, as follows:

Resolved, That the bill (S. 1111) entitled "For the relief of Rutgers University," now pending in the Senate, together with all the accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The concurrent resolution (S. Con. Res. 65) favoring the suspension of deportation of certain aliens, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

Mr. KILGORE. Mr. President, this suspends deportation pending investigation. There are certain questions of law to be interpreted.

The PRESIDING OFFICER. Is there objection?

There being no objection, the concurrent resolution was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation for more than 6 months.

A-6984669, Abrahamson, Karen Elizabeth (nee Thompson).
A-6313428, Anaya, Maria De La Luz, or Concepcion Rodriguez.
A-6325046, Andreanich, Giachino, or Jim Andren.

A-4767186, Asapansa-Johnson, Josephus Milton, or Comma, Asapansa-Johnson.

A-6171150, Bageris, Helen George or Bageris (nee Alexopoulos).

A-6409853, Barron-Juarez, Angel, or Angel Barron.

A-2299741, Bournias, Eleftherios, or Eleftherios or Louis Terry or Louis George Bournias.

A-6323045, Camacho, Cresencio Pesina.

A-5330164, Campo, Sebastian, or Sebastian Campa.

A-2439084, Casella, Maria Angela, maiden name Pasciani, former marriage D'Amore or Maria Angela Trato.

A-2734730, Chiu, Chen Sung, or Chui Chen Sung or Sung Chui Chen.

A-2734733, Chen, Hsui-Hua (nee Wu).

A-5546379, Chow, Che Keung.

A-5096710, Ciccone, Maria (nee De Martino or Maria Pastina or Maria Villano or Roza Fuma or Parente or Jennie Esposito or Jenni Capuana).

A-5802945, Cosman, George William or Kosman, George William or Gregory or Casman, George William.

A-5257536, Da Silva, Francisco Honorato.

A-6359674, De Cortez, Felicitas Moreno, or Felicitas Moreno-Escobedo.

A-3199498, De Guzman, Maria Encarnacion Gutierrez, or Encarnacion Gutierrez De Guzman or Encarnacion Arroyo.

A-6678250, Delegeorge, George Thomas, or George Athamasios Delegeorge or Georgios Deligeorgis.

A-2285366, De Trejo, Concepcion Gonzalez Vda.

A-4644006, Diaz, Jose Maria.

A-3386208, D'Onofrio, Loretta (nee Penna).

A-6759013, Dulak, Josefa.

A-6363826, Economou, Venizelos.

A-5910166, Erbe, Emilie Franziska, or Emmy Erbe.

A-6299823, Evangelos, Despina.

A-9632385, Fadl, Mostafa Ahmad Aboud, or Ahmed Mostafa Fadl or Ahmed Mustapha Fadl or Ahmed Mustapha Fadl or Ahmed Mistafa Fadl.

A-4396077, Felix, Alpheus Jeremiah Strickland, or Alpheus Jeremiah Felix.

A-5244319, Fiebiger, Babette Hacker (nee Babette Hacker).

A-5455041, Flores, Silvestre, or Angel Silvestre Flores or Crescencio Reza or Soltero Delfin or Crescencio Reza or Jose Marquez.

A-3215985, Foster, Henry, or Harry Foster.

A-4316224, Garcia, Francisca Mendez, or Francisca Mendez.

A-5438264, Glatzel, Ferdinand Salvatore.

A-3295926, Ging, Neng Shwen, or Neng Swen Ging (alias Nelson Ging).

A-5722749, Gliks, Traintafios, or Ross Gliks.

A-5973526, Gurrobat, Thomas Gianan.

A-4084838, Hurowitz, Sam (alias Owsej Urowecz or Owziej Urowicz).

A-6289201, Hutchinson, George Earl Wilfred, or George Wilfred Hutchinson.

A-6277526, Jahren, Signe Marie, or Signe Jahren Valentino.

A-5320911, Jurjan, Sybill or Sibille Zihle (nee Stankevitz).

A-1089454, Karaviotis, Ioannis, or John Karas.

A-3597193, Lawyer, Eric Sorabji, or Erach-saw Sorabji Lawyer.

A-5998781, Leahy, Suzanne, or Suzanne Krausz or Suzanne De Budy or Suzanne De Strasser or Suzanne Bernstein.

A-3429868, Lehr, Fridolf Alarik, or Fridolf Lihl.

A-9776950, Limberator, Iraklis Panagiotis, or Hercules Limberatos or Iraklis Libby.

A-3400353, Lorenzo, Manuel Alvarez, or Manuel Alvarez.

A-1373722, Maneiro, Manuel Arcos.

A-6185632, Marcoida, Juan Hoyos.

A-6829451, Mata, Luis, or Louis Mata.

A-1737124, Metaxas, Kleanthis Dionysios.

A-6268702, Muntean, Cornelia Filip.

A-6268703, Muntean, Stella or Steluta.

A-5966968, Mykulak, Peter.

A-3054661, Nakamura, Chieko or Chiye.

A-3444333, Nielsen, Dagmar Charlotte (nee Sander formerly Henriksen).

A-4211025, Pappargyris, George Nicholas, or Gergios Nicholas Pappargyris.

A-4961418, Pearson, Dudley Augustas, or Dudley Pearson.

A-1319046—Pedersen, Jens Peder Albinus, or Jens Pedersen.

A-5110903, Perhauz, Carlo Mario.

A-5263012, Petrincich, Francesco.

A-4441964, Pohl, Heinrich August.

A-6316336, Pontarolo, Ellen Laura (nee Gillanders or Ellen Laura McMurphy or Ellen Laura Vonkeisel).

A-7043063, Ralton, Susan Ann, or Sarah Virginia Ralton.

A-7043064, Ralton, Timothy John Reid.

A-3460108, Rasso, Carmen Mary Ramirez, or Carmen M. Ramirez.

A-7030531, Rasso, Alfredo N., or J. Alfredo Rasso.

A-4894010, Root, Jeanne Rose (nee Jeanne Rose Albinelli).

A-4909124, Rosi, Cleofe, or Mario Rose.

A-4056177, Rouse, Herbert Newton.

A-6389239, Samuels, Frances Louise, or Frances Louisa Samuels (alias Franca Luisa Sparano or Franca Sparano).

A-5968589, Samuray, Sallih Behcet.

A-6131542, Saucedo, Alfonso Campusano, or Alfonso Saucedo.

A-6877591, Schmitt, Fraser Jasper.

A-5107271, Seoane, Eugenio, or Eugenio Calvo Seoane.

A-3015737, Serenil, Clara Briseno, or Clara Briseno-Ogaz or Clara Briseno or Clara Ogaz.

A-6980380, Shanda, Elsie Zamora, or Elsie Zamora Salas (maiden name).

A-6853358, Simony, Marie Anne (nee Brady).

A-5916809, Sodeikat, Otto August Wilhelm or Sodeikat.

A-4575269, Stalne, Antonio.

A-6397810, Szulc, Judel, or Judel Schultz.

A-2240218, Tavarez, Librada, or Librada Tavarez-Loya or Librada Loya.

A-1442007, Toong, David.

A-4947821, Tosini, Cesare Alessandro, or Chester Tosini.

A-1117158, Troutlein, William.

A-3458632, Uddin, Rahan.

A-1896007, Wang, Philip, or Philip Wong or Philip Sheng Ping Wang or Sheng Ping Wang.

A-3168180, Wlodarski, Wacław Ignacy, or Wacław Ignacy Wodarski or Wodarsky.

A-2227526, Zen, Osman Ben, or Osman Zen.

A-5944186, Ziemba, Eustachio, or Eustachius, or Stanislaus or Stanislaw or Stanley Ziemba.

MARY THOMAS SCHIEK

The bill (H. R. 3300) for the relief of Mary Thomas Schiek was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SCHOEPEL. Mr. President, I note that the original amount allowed in the House bill was \$35,000. It may seem peculiar, but I want to point out that the history of this case discloses that the claimant in this case is incapacitated completely, and will probably be incapacitated for the rest of her life. A little while ago the Senate passed a measure raising the amount from \$15,000 to \$25,000, in a case which to my way of looking at it is not nearly so meritorious as this one. Here was a woman, as I understand from the records, who was serving the Government as a Red Cross nurse, subjecting herself to the incidental hazards. I should like to know from the

distinguished Senator from West Virginia why the amount was reduced from \$35,000 to \$25,000?

Mr. KILGORE. I may say to the Senator from Kansas—

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. KILGORE. I should like first to answer the question of the Senator from Kansas before other questions are asked.

Mr. McCARTHY. If I may give the Senator further information, I should like him to know that I am going to move to amend the committee amendment by striking out the \$25,000 and inserting \$50,000. I shall explain why, after the Senator from West Virginia has answered the question of the Senator from Kansas.

Mr. KILGORE. I may say the committee fixed the amount. It is not a question in my own opinion, and it was not a question in the mind of the committee as to whether the claimant worked for the Government or was a part of the Government, as a citizen. In the other case, the claimant was a citizen and had a right to the protection of the Government. The conditions were identical, and we awarded identical amounts. It is not a matter of whether someone has a little better claim as to the amount. It is a question as to the amount of damages. To be perfectly frank, \$25,000 is, I believe, about the largest amount for damages ever awarded by the Senate Judiciary Committee, certainly in the 8 years I have been here, on injury claims of any kind. It is the first time I have ever seen a bill come from the committee that exceeded \$14,000 or \$15,000. The two cases were identical in the requests and in the effects and in the surrounding conditions. The committee therefore felt the same amounts should be awarded in both cases.

Mr. McCARTHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. McCARTHY. Is this the proper time to move to amend the committee amendment?

The PRESIDING OFFICER. It is the proper time to offer an amendment to the committee amendment.

Mr. McCARTHY. Mr. President, I move to amend the committee amendment by striking out "\$25,000" and inserting "\$50,000." In connection with the amendment, I should like to point out that I am very intimately aware of the circumstances. The Senator from West Virginia [Mr. KILGORE] is, I believe, slightly in error when he says both situations are identical. It will be understood that I do not question the award of \$25,000 in the previous case; I think the woman was entitled to it. However, the situation here is entirely different. This claimant was a Red Cross nurse. While serving in India a truck tipped over and injured her. She went to the hospital. The doctor at Calcutta who originally treated her, according to the later hospital report—and I quote from the committee report—"the Calcutta hospital found gross negligence and malpractice had occurred at the Three Hundred and Seventy-second Field Hospital." What happened originally was this: She

went to the base hospital. The doctor said to her, "You are not hurt." Mr. President, may I have the attention of the Senator from West Virginia? I am sure if he is aware of these facts he will not object to the increase. The doctor said to her, "You are not hurt." He would not give her an X-ray. Finally he consented to X-ray her on condition she could climb onto the X-ray table herself. She could not do that. She was semiparalyzed from her hips down. The doctor X-rayed her and said there was nothing wrong with her. He discharged her. He said to her, "It is just merely imagination. You are a crybaby." He abused her terribly. According to the information contained in the committee report, she went to the Calcutta hospital, where she was X-rayed. It was found that her back was broken in two places. They found the sacrum badly fractured. They found that one of the main nerves had been impinged, because of the malpractice in the original hospital. As of today, 4 years later, if I may quote from the committee report:

Approximately 4 years after the accident she is still unable to walk more than two blocks without exhaustion and will slide off an average chair unless her feet are supported. She cannot wear ordinary shoes, but only soft-soled slippers. Because of weakness and atrophy of muscles she is unable to sit or lie in any one position for more than a short period, is still incapable of properly controlling urine and feces and must spend most of her mornings caring for these functions.

So, Mr. President, we have in this case a woman who cannot walk, who cannot sit in a chair, and cannot control her urine or her bowels. The report says that manifestly her injuries and disability will leave her totally disabled for the rest of her life. This case does not compare with the one in which we allowed \$25,000. The woman involved in that case had a bad hip. She was an older woman. The question is, How much is this young woman damaged? According to the committee report, she was earning \$50 a week in the Boston Store in Milwaukee. The testimony was that she could have returned to the job when she left the service. Fifty dollars a week, spread over the years, would amount to \$50,000. We are not attempting to give this woman charity. Her injuries are due to the negligence of the driver of the Army truck. She was on duty. This woman will not be able to work again. She has been denied the happiness of being married and raising a family. I think it would be unconscionable to reduce her damages to \$25,000.

Mr. President, I have been a circuit judge and I have passed on cases of similar character. If a jury in my court had given this girl less than \$50,000 I would have set the verdict aside, definitely, as being inadequate. I do not think \$50,000 is adequate compensation in this case.

I seriously urge that the Senate accept the figure of \$50,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KILGORE. I ask for the yeas and nays.

Mr. MAYBANK. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAYBANK. On a call of the calendar under unanimous consent, is it in order to ask for a ye-and-nay vote?

The PRESIDING OFFICER. The Chair will state that it is in order.

Mr. McCARTHY. Mr. President, I am sure that if I can give the Senate a complete picture of this tragic case—

Mr. MAYBANK. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. McCARTHY. Certainly.

Mr. MAYBANK. I should like to have the Chair clarify the question. Is it in order to have a ye-and-nay vote on a matter involved in the call of the calendar when it is being called by unanimous consent?

The PRESIDING OFFICER. The Chair will state that it is in order. As a matter of fact, there has already been a ye-and-nay vote on an amendment.

Mr. MAYBANK. I understand that, Mr. President, but this is the first time in my 8 years as a Member of the Senate that I have known of a ye-and-nay vote during the call of the calendar.

The PRESIDING OFFICER. Any question is subject to a ye-and-nay vote if requested by a sufficient number of Senators.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. If this amendment should be agreed to, would it be in order to ask that the bill be passed over?

The PRESIDING OFFICER. Yes.

Mr. McCARTHY. Mr. President, may I ask the Senator from West Virginia if he will consent to accept this amendment and take it to conference? The Senator has a legal background and is just, honest, and fair. Here is a woman who is hopelessly and tragically crippled. She is a young girl; she has 40 or 50 years to live. The sum of \$25,000 to take care of her hospital bills would be completely dissipated in the next 8 or 10 years. That is entirely wrong. I should like to have the Senator from West Virginia take the amendment to conference and urge the acceptance of the \$50,000 figure and insist upon it.

Mr. KILGORE. Mr. President, in connection with matters of this kind, I have seen some pretty hot "dog fights" on the floor of the Senate. I remember five cases from the State of Maine, and no doubt the Senator from Michigan [Mr. FERGUSON] remembers them. They involved persons who were injured because a Navy pilot dove into a group of employees of a shipyard. Many of them were crippled for life.

In this case I felt that the committee went further than it had ever gone before. Why should we make a particular exception of one case?

Mr. McCARTHY. Will the Senator agree with me that the measure of damages is not within the discretion of this body? If the Government is to blame for an injury, then the measure of damages consists of what the injured person

normally would have earned during her life expectancy, plus the cost of hospitalization, plus a reasonable amount for loss of enjoyment of life. There is nothing included in this case for loss of enjoyment of life. I am sure the Senator will agree that it is not in our discretion. We have the duty to say how much she has lost, how much the Nation owes her. This is not a case of charity; it is a debt we owe. The question is, How much do we owe in this case? If we have cheated someone in the past by giving him only \$5,000 when he was entitled to \$10,000 or \$15,000, it is time we stopped. It is time that we compensated injured persons in full. Giving this girl \$25,000 is like picking a figure out of a hat.

Mr. KILGORE. Mr. President, people elect to come to the Congress of the United States to try to get bills through. Why do they not elect to go to the Court of Claims, where they have rights? This is a tort case.

Mr. McCARTHY. Mr. President, I am sure the Senator does not mean that. The report points out that this lady has no other redress. She could sue the private who was driving the truck, who, of course, has no money. She could sue the physician who was guilty of malpractice, and who apparently has no money. Congress is the only place to which she can come. When she does, we should not say, "We will give you half the amount that is coming to you," because in the past we have treated someone else in that way.

Mr. KILGORE. I still cannot consent. I withdraw my request for the yeas and nays, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin. [Putting the question.]

Mr. McCARTHY. I ask for a division. The Senate proceeded to divide.

The PRESIDING OFFICER. The amendment is rejected.

Mr. McCARTHY. Mr. President, I ask for the yeas and nays. I have a parliamentary inquiry—

The PRESIDING OFFICER. The Chair thinks that it is too late to call for the yeas and nays.

Mr. McCARTHY. Is not the Chair obliged, in a case like this, to say "It appears that the amendment is rejected," before he says that it is rejected?

The PRESIDING OFFICER. That is not necessary on a division, because the count is accurate; it is not a question of judgment, which would be the case on a viva voce vote.

Mr. McCARTHY. Is it possible to get a yeas-and-nays vote after a division?

The PRESIDING OFFICER. After the result is announced, it is too late to request the yeas and nays.

Mr. LUCAS. Mr. President, I demand the regular order.

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

Mr. WHERRY. I wish to speak on the bill itself. I thought the amendment had been rejected.

The PRESIDING OFFICER. The question now is on the committee amendment.

Mr. WHERRY. That is, for \$25,000?

The PRESIDING OFFICER. It is an amendment which proposes to reduce the \$35,000 allowed in the House bill to \$25,000.

Mr. WHERRY. What was the evidence upon which the committee determined to reduce the amount from \$35,000 to \$25,000?

Mr. KILGORE. We had two similar cases before us, and we figured that the damages were about the same.

Mr. WHERRY. I was on the Committee on Claims for several years, as the Senator will recall.

Mr. KILGORE. I may say to the Senator that I was not on the subcommittee that heard the evidence, and I did not hear the evidence. All I heard was in the full committee.

Mr. WHERRY. I agree that it is very difficult, sitting on a committee, to weigh all the evidence. We rely on affidavits and testimony that is offered. But it seemed to me that inasmuch as the claim was reduced from \$35,000 to \$25,000, there should be some evidence to warrant the reduction, regardless of what someone else was paid.

Mr. KILGORE. The Senator is no doubt aware of the fact, if he ever served on the Committee on Claims, that almost universally we have to equalize matters that come from the House of Representatives. The claims to which I referred were pending at about the same time. The subcommittee passed on the bill, the full committee went over it, and said, "Here is a claim for an identical situation, in which \$25,000 was allowed. We will allow \$25,000 in this case."

Mr. McCARTHY. Mr. President, I move that the committee amendment be amended by striking out the figure "\$25,000" and inserting the figure "\$45,000", and I ask for the yeas and nays on the amendment.

Mr. FULBRIGHT. Mr. President, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, was announced as next in order.

Mr. LUCAS. Over.

Mr. McCARTHY. Mr. President, recurring to order of business 1080, House bill 3300, unless the Senator from Arkansas can point out some objection which he has to justify the request that the bill go over, I shall object to all other bills on the consent calendar.

Mr. LUCAS. Mr. President—

The PRESIDING OFFICER. Does the Senator object to the bill just called?

Mr. McCARTHY. If the Senator has some reason for objecting to House bill 3300 on its merits, and will tell me why, very well; otherwise I shall object to any other bill being considered. This is a matter which has been kicking around for 4 years. The claimant is a woman who is crippled for life. The committee has reported that she is entitled to compensation. The Army, according to the committee report, says it is a meritorious claim. The committee recognizes that this woman has no source of income. She is hopelessly crippled. The commit-

tee says there was gross malpractice—and I quote from the report in saying that.

If the Senator from Arkansas has some reason for being against the bill on the merits, very well. If his is an arbitrary objection, then I shall object to any and all other bills on the consent calendar.

Mr. TOBEY. Mr. President—

Mr. LUCAS. So far as order of business 1082, House bill 5839, is concerned, I object, and we can move on to the next bill.

The PRESIDING OFFICER. The bill to which the Senator refers goes over. The clerk will state the next order of business.

RURAL TELEPHONES

The bill (H. R. 2960) to amend the Rural Electrification Act to provide for rural telephones, and for other purposes, was announced as next in order.

Mr. AIKEN. Mr. President, what happened to Calendar 1082, House bill 5839?

The PRESIDING OFFICER. It has just been objected to.

Mr. AIKEN. I ask the Senator from Illinois, who objected to the bill, if he will withhold his objection.

Mr. LUCAS. I am objecting for the Senator from Wyoming [Mr. O'MAHONEY], who had to leave.

Mr. AIKEN. I wonder if the Senator will withhold his objection until I may present a statement from the Senator from Minnesota [Mr. THYE].

Mr. LUCAS. I shall be delighted to do that.

Mr. AIKEN. I simply ask to have the statement of the Senator from Minnesota printed in the Record, and I should like to say, for myself, that the objection to this bill seems to be simply a continuance of the long-time war between the grazing interests and the Forest Service. Both the cattlemen and sheep grazers advised the Committee on Agriculture and Forestry that they wanted to be heard on the bill. The chairman set a date for them to be heard, but no representative from either organization showed up. Apparently they feel that the best way to kill the legislation is simply to refuse unanimous consent for its consideration.

The Committee on Agriculture and Forestry, very properly, I think, when the opponents failed to show up and present any testimony, reported the bill unanimously. The bill legalizes, beyond question, things which are being done now by the Forest Service and which are approved by the Comptroller General. The Comptroller General's office, however, feels that the authorization should be made clear in the law. For instance, there is one item which permits a fire tower to be constructed on private land, and other things like that.

I am sorry that the grazing interests saw fit to object to the bill, because I do not think they will gain anything by it in the long run. Apparently it is simply an effort to impede the work of the Forest Service in any way possible.

I ask to have the statement of the Senator from Minnesota printed in the Record at this point.

The PRESIDING OFFICER. Is there objection?

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

STATEMENT BY SENATOR THYE

The bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, which will make it possible for that Service to carry out more effectively and efficiently the functions and responsibilities placed upon it by Congress, was introduced by Representative WALTER K. GRANGER and passed by the House on August 15, 1949.

I introduced a companion bill (S. 2398) in the Senate on August 8. The Senate committee reported favorably on the bill on September 13.

Public hearings on the bill were conducted by the House Committee on Agriculture and Forestry and the report of this committee was, after careful study, accepted by the Senate committee.

The committee report recommending the bill includes the following statement:

"The committee has gone over the bill very carefully, line by line, and is satisfied that there is not proposed any authorization beyond that actually needed to accomplish the job to be done, and that the enactment of this proposed legislation will greatly improve and render more effective and economical the functioning of the Forest Service."

On July 1, 1949, at the hearings conducted by the House Committee on Agriculture and Forestry, Mr. John B. Wilson, of Wyoming, appeared before the committee as a representative of both the cattlemen and the sheepmen. At that time Mr. Wilson raised a question concerning the wording of section 12. This was clarified by a committee amendment and Mr. Wilson endorsed it as representative of the cattlemen and sheepmen.

My bill, S. 2398, is identical in every respect with the bill H. R. 5839 which passed the House by unanimous consent.

It now appears that some stockmen are opposed to the bill. For what reason I am unable to understand. However, there are a number of stockmen urging favorable action. A large number of other individuals and groups have expressed interest in enactment of the legislation.

I am convinced that there is no valid reason for objection by any group. The stockmen have much to gain and nothing to lose by the enactment of this bill.

The legislation will measurably simplify and facilitate the work of the Forest Service. It will greatly improve and render more effective and efficient the functioning of that Service.

The legislative changes proposed are constructive and essential. The proposed changes will inconvenience no one. They will merely simplify and facilitate the work of the Forest Service in the Department of Agriculture; cut out some unnecessary red tape and make possible more efficient and economical use of the funds appropriated by Congress. The bill is in the public interest. I, therefore, respectfully urge that S. 2398 be approved by unanimous consent.

Mr. LUCAS. Mr. President, I should like to add just one word to what the Senator from Vermont has said. As I recall, the bill was reported unanimously from the Committee on Agriculture and Forestry, and I merely made objection on the call of the calendar on behalf of the Senator from Wyoming [Mr. O'MAHONEY]. I am a member of the Committee on Agriculture and Forestry, and am in favor of the bill on its merits, and we will probably consider it before we adjourn.

Mr. AIKEN. As I understand, other Senators from the grazing States have been asked to object also.

The PRESIDING OFFICER. The bill goes over. The clerk will state the next bill by title.

The bill (H. R. 2960) to amend the Rural Electrification Act to provide for rural telephones, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. McCARTHY. Mr. President, reserving the right to object, I should like to ask the Senator from Arkansas whether he objects at this time to returning to Calendar 1080, H. R. 3300, so that we may vote on the bill. I think it is very important that we vote on it.

Mr. LUCAS. Mr. President, we are not going to legislate in this hall by duress and coercion. I do not know what the Senator from Arkansas wants to do, but so far as the majority leader is concerned, if the Senator from Wisconsin, merely because the Senator from Arkansas exercises a privilege and a right which he has to object to a bill and have it go over, wants to take offense and object to every other bill on the calendar, it is all right with me. So far as I am concerned, I am not going to make any bargain of that kind whatsoever as to important measures which are now on the Senate calendar.

Mr. McCARTHY. Mr. President, I made a request of the Senator from Arkansas, and I desire to know whether he objects to returning to Calendar 1080 so that we may vote on the bill on its merits. To me it is an important measure, and I should like to get a vote on the bill. I have a motion pending. I am not threatening or coercing, but if there is to be an arbitrary objection to a bill on some ground other than on its merits, if I am to be denied a vote on the bill, then I believe that I am justified in objecting to any other bills providing for personal relief, because they are all in the same category. Any bill that provides for personal relief for any individual is in the same category with H. R. 3300, and I shall—and I think I am justified in doing so—object to considering any of them until we can get a vote on all of them.

Mr. FULBRIGHT. Mr. President, what the Senator does about other bills is perfectly within his right. But I served on this committee for 3 years. The amount granted by the committee in this case is to my knowledge the largest amount that has ever been granted to a person in an injury case. We used to have very appealing cases for consideration, in which the committee thought it was straining itself to give \$10,000, and prior to that time for many years I think \$5,000 was the top amount.

There is no way to set an exact measure upon either death cases or personal-injury cases. But as a matter of policy and precedent, I think the committee is extremely generous in this case. As I said, the amount granted by the committee is the highest amount I know of. I do not think we would be on safe ground if we were to set aside the judgment of the committee, and establish a precedent by raising the figure to \$50,000.

I have no objection to passing the bill as reported by the committee. I know the case is a very meritorious one. It appeals to one's sentiments, and all that.

But I think the Senate would be getting into very deep water if it were to override the committee which has had the opportunity to weigh the case. As a former member of the committee I must support the committee's position respecting the case. The place to make the argument the Senator is making is, I believe, before the committee, because it acts in this case as a court of equity, as was referred to earlier today by some Senator.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. McCARTHY. Apparently the Senator misunderstood my request. I am not asking Senators to vote for my motion. I am asking that Senators have an opportunity to vote on my motion.

Mr. FULBRIGHT. The Senator was granted one vote. I had no objection to that. I have no objection to a vote being taken now. But I cannot stand by and permit the amount to be raised to \$45,000 or \$50,000. I stand on the committee's bill. I think the amount granted by the committee is very generous.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. McCARTHY. Let me tell the Senator what I have in mind doing. No. 1, I intend to move to increase the amount to \$45,000. If that is defeated, then I intend to move that the House figure be accepted, the figure of \$35,000. I realize that the Senator is completely honest when he says, "I differ with you, and I believe \$25,000 is enough."

Mr. President, here is a matter which has been kicked around for 4 years. I am asking that Senators be given the right to have this question voted on. A Senator objected to the bill when it was reached on the calendar and said he wanted it to go over. That is practically saying we will not even consider the merits of this personal-injury relief case. I ask the Senator from Arkansas if he will consent to return to House bill 3300, Calendar No. 1080, so that we may have a vote upon the merits of the bill.

Mr. FULBRIGHT. I am perfectly willing to return to House bill 3300, Calendar 1080, but I cannot agree to have an amount larger than the committee amount inserted in the bill. I am perfectly willing to withdraw any objection to its present consideration and passage with the amount in the bill which the committee recommended. I must object to any amount greater than the amount granted by the committee. I am not taking an arbitrary position. The committee has already passed upon this question.

Mr. President, I yield the floor.

Mr. KILGORE. Mr. President, I should like to speak for a part of 5 minutes. I hope speeches will be limited to 5 minutes. Discussion has extended for 15 or 20 minutes on the bill, instead of 5.

I should like to invite the Senate's attention to one fact. While it is true I am a very young man as a lawyer—at least that has been inferred recently—I have seen many damage suits tried, and I discovered that in a damage suit resulting from an accident case, when it finally ends the claimant receives about

50 percent, whereas when an appropriation is made by Congress in an accident case, the one who is injured receives the full amount. It is not necessary for him to pay any portion of it to another person—to a lawyer, for example. That is one reason we have been watching these cases carefully. An appropriation of \$25,000 is about the equivalent to a judgment in court of \$50,000, because the litigant may have to go to the Supreme Court, or to the circuit court of appeals usually to sustain the judgment. The sum recommended by the committee is not so small a sum as it has been made to appear here.

Mr. LUCAS. Lawyers get at least 33 1/3 percent in damage cases.

Mr. KILGORE. At least that, if not more.

Mr. TOBEY. Mr. President, I have been a Member of the Senate for a good many years, and something has happened today in the Senate which I do not like. The Senate of the United States is supposed to be a body of dignity, and to act according to the rules of parliamentary procedure. As I sat here and listened to the call of the calendar, I heard the bill which is under discussion called, and objection was made by the Senator from Arkansas [Mr. FULBRIGHT]. A motion was made by the junior Senator from Wisconsin [Mr. McCARTHY], which was defeated under parliamentary procedure, and the vote on the motion was unanimous. Thereupon my colleague, the junior Senator from Wisconsin, did not play ball, but placed a block across the road. He said in effect, "You cannot pass any more bills because of my objection." That is not the way for Senators to act. Senators should follow parliamentary procedure. We should continue to legislate under parliamentary procedure. Shame on any man who tries to put through legislation by means of duress and threat. I make that statement very emphatically. It will indeed be a sad hour in the Senate when any Senator can say, "I will hold up the progress of the Senate unless you do what I want you to do." Such action is entirely unworthy of any Senator.

Mr. McCARTHY. Mr. President, in view of the statement made by the Senator from Arkansas [Mr. FULBRIGHT] I move that the Senate return to Calendar 1080, House bill 3300.

The PRESIDING OFFICER. The motion is not in order.

Mr. McCARTHY. Mr. President, I ask unanimous consent that the Senate return to House bill 3300. I understand the Senator from Arkansas has withdrawn his objection. I ask the Senate to return to that bill so I may have a vote on the merits of my position on that bill.

Mr. LUCAS. Mr. President, before we vote, I wish to say that I think the proper procedure, in view of the fact that the bill was passed over, is to let it go to the foot of the calendar and return to it after the call of the calendar has been completed. I shall not object if what the Senator asks is done at that time. But it seems to me that we should now proceed to complete the call of the calendar. I think that is the proper pro-

cedure. That is what we should do. There is no point in returning now to the bill.

The PRESIDING OFFICER. Does the Senator from Wisconsin so modify his request that the bill go to the foot of the calendar?

Mr. McCARTHY. If I have the assurance of the Senator from Arkansas that he has no objection to it being done in the manner I have suggested.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. FULBRIGHT. I have no objection to returning to the bill. I want to make it clear that I object to increasing the amount above the amount recommended by the committee. I have no objection, however, to returning to the bill. As I said, I object to it being passed containing an increased amount. In other words, if the amendment prevails I must object to the bill. I thought I made that clear previously.

Mr. McCARTHY. Will the Senator while we are continuing with the call of the calendar turn to pages 10 and 2 of the bill and read them? If he will read those two pages of the bill I am sure he will support my motion to increase the amount to \$50,000.

Mr. FULBRIGHT. I shall be very glad to read those pages.

The PRESIDING OFFICER. Without objection, the Senate will return to House bill 3300, Calendar 1080, and without objection that bill will go to the foot of the calendar.

The clerk will state the next bill on the calendar.

RURAL TELEPHONES

The bill (H. R. 2960) to amend the Rural Electrification Act to provide for rural telephones, and for other purposes, was announced as next in order.

Mr. WHERRY. That bill has been passed over, has it not?

The PRESIDING OFFICER. No. House bill 5839, Calendar 1082, was passed over.

Mr. WHERRY. I beg the Chair's pardon.

The PRESIDING OFFICER. Is there objection to the present consideration of House bill 2960?

Mr. McCARTHY. Mr. President, reserving the right to object—and I believe this is the only way I can bring this matter before the Senate—I shall take advantage of the 5-minute rule to read for 5 minutes from page 10 of the committee report in the case of Mary Thomas Schiek. I begin reading in the middle of the account, because the first part is largely preliminary. I read as follows:

I couldn't move nor bend at the waist, though I tried. When the nurse would bring in the pan of bath water she would put it on the table and depart. When I asked her to help me her reply was, "If you wanted a bath bad enough you could do it yourself," and she would not stay. It was over 100° there in Bengal in June most of the time. They refused to wash my hair, saying, "When you want it washed bad enough so that you'll stand up, then you can wash it in the shower." It was 6 weeks before they would wash it.

Senators will understand this is the woman whose back was broken, telling this story to us.

Finally I asked them to turn me over so that I could rest my back and try to sleep at night. One night, about 7:30, the pillows shifted so that my hips were twisted into a painful position. I could not move nor turn myself and after I had endured it for about an hour or so, I asked for the nurse. There was only one nurse on duty in the entire hospital at night so that it was some time before she could come. Her name was Lieutenant Ford. By the time she came I was sobbing, but making no noise. As she came to the door, I drew in my breath and it caught in a sob. Without entering the door she said, "Well, that settles it. I wouldn't do anything for a crybaby, and no one else is to either." She left and I lay in that position all night.

Bear in mind that this woman was lying there with her back broken.

One day Major McDevitt came in—

He was the man whom the Army found guilty of malpractice.

One day Major McDevitt came in and said, "Well, let's see you walk." I had not had even my head elevated at this time, nor sat up, but he and a nurse forced me into a sitting position. The pain was extreme and I fell back on the bed. "That's the end," said Major McDevitt, "I wouldn't be bothered helping anyone who was such a baby about a little thing like sitting up." And he refused to come to see me for 4 days.

Bear in mind that this was a woman who had two vertebra in her back broken—according to the Army report—her sacrum smashed, and her nerves so badly impaired that she could not control her bowels or urine. This was the treatment she got.

After 4 weeks of this had continued I asked for him again and told him that surely there must be something the matter with me, that people just don't lie helpless and in severe pain when they want to get back to their job, unless something is the matter. He was very cross. "Well, g—, we'll prove it to you. We'll take more X-rays and then you'll see that there is nothing the matter with you except that you are a stubborn baby."

They took more X-rays. They would not help me onto the high X-ray table. Major McDevitt said, "You asked for these X-rays and now, d—, you can climb on the table yourself." They told me that the X-rays showed nothing and they hoped I was satisfied now.

Those were the X-rays which showed nothing, according to the doctor—X-rays which the hospital later proved showed that this woman had a smashed back, a smashed sacrum, and nerves so badly impaired that 4 years later she cannot walk.

They insisted that I sit up in a wheel chair. I wanted to try, but it was very painful.

Finally they discharged me. Major McDevitt wrote a letter to Red Cross, saying that I had only superficial abrasions and that I had shown slow progress because I would not help myself. He said I would be ready for duty in 3 weeks.

I returned to my base. I could not walk alone, was still incontinent, and had severe pain. I returned 7 miles to the hospital daily for 1 week for physiotherapy, driving a jeep at Major McDevitt's suggestion. Sometimes someone would drive me; sometimes I drove

alone, stopping beside the road when the pain was too great. At the end of the week the treatments stopped.

As a result of Major McDevitt's letter, I was recalled into Red Cross headquarters in Calcutta and sent out on another assignment, on the 7th of August.

Then she goes on to relate how she finally was taken to the hospital in Calcutta, where she got competent medical care, and that since that time she has never walked.

Mr. President, I realize that my 5 minutes are about up. I ask the Senator from Arkansas to refer to that part of the statement on page 9, showing how this girl, who was crippled, with a broken back, and who could not walk, was put into a room with no nursing care and no medical care. She tells how the lizards, toads, and scorpions crawled over her. None of this has been contradicted. The doctor who later treated her at Calcutta said that this was the most inexcusable and shameful case of malpractice he had ever seen.

The PRESIDING OFFICER. Is there objection to the present consideration of House bill 2960?

Mr. SCHOEPPEL. Mr. President, may we have a brief explanation of this measure?

Mr. THOMAS of Oklahoma. Mr. President, this bill has passed the House in the form of an amendment to the REA Act. The REA will administer this law, if it is enacted.

The bill proposes to appropriate funds with which to make loans to rural telephone cooperatives on the same basis on which the REA now operates. The bill passed yesterday carries \$250,000 for administration and \$25,000,000 for making loans, when and if this bill passes.

The interest rate is the same as that of the REA, not more than 2 percent. This proposed law will be administered on the same basis as the present REA. It will be under the same head. Mr. Wickard will supervise both in the event this bill is passed.

Mr. SCHOEPPEL. There is no specific amount mentioned, but it will be subject to applications being made and passed on by the Department, will it not?

Mr. THOMAS of Oklahoma. That is correct. No one can tell how much money may be necessary to be appropriated hereafter to carry into effect the provisions of the bill. It depends on the number of applications and the size of the applications, over the years.

Mr. HOLLAND. Mr. President, I have in my office two amendments which I wish to propose. I suggest that the bill be passed to the foot of the calendar. I had no idea that the Senate would take up this bill on the call of the calendar, and therefore I do not have my file with me. If the bill can be passed to the foot of the calendar, I shall be ready in a few minutes with my amendments. I am supporting the bill, and I think the amendments will not be found to be hurtful in any way.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD at this point some remarks pertaining to this bill.

There being no objection, Mr. FULBRIGHT's statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR FULBRIGHT

I am glad to support H. R. 2960, a bill authorizing the Rural Electrification Administrator to make loans for the purpose of financing the improvement, expansion, construction, acquisition, and operation of facilities to render telephone service in rural areas.

The telephone is no longer a luxury, if, indeed, it ever was. In cities and towns it has become a necessity, a routine instrument in business and social life. If this is so, how much more necessary is it in rural areas where other means of communication is so much more difficult.

Better rural roads and the rural electrification program have helped to ease the burdens and labors of farm life, but the comparative isolation of the farm still makes difficult communication with neighbors, the doctor, the veterinarian and the businessmen from whom supplies are bought and to whom the products of the farm are sold. This disadvantage is often of tremendous importance, as in the case of illness or accident. And it may be decisive to the success or failure of many months work, as in the case of repairs to machinery, market news, and so on.

The farm is not merely a home, it is also a business establishment, the most important type of business in our economy. It is difficult to imagine, in this day, any other type of business attempting to operate efficiently without telephone service.

We are concerned with the migration of young people from the farms in increasing numbers. In the cities we are concerned with overcrowding and slums. One of the ways to help this situation is to make farm life more attractive, as well as more profitable, by decreasing its isolation, and enabling the farmer to enjoy the comforts and conveniences of community life.

Evidence is conflicting as to whether the number of farm telephones has increased or decreased in the past several years. But it is obvious that, regardless of this, telephone service has not kept pace with other developments, such as rural electrification, nor has it kept pace with the increase in telephone service in cities and towns. For example the United States Census of Agriculture of 1945 shows only 7 percent of the farms in Arkansas reported as having telephone service. Furthermore, there is every evidence that the service which now exists has not been maintained, that in many cases it has not only failed to keep pace with technical developments, but is in worse condition than when originally installed.

In contrast with this situation, we have the success of the rural electrification program, largely by reason of the REA.

Department of Agriculture figures show that in 1934 only 1.2 percent of Arkansas farms received central station electric service. In 1948 this percentage was 54.4 percent of the farms—an increase of 3,571.5 percent.

The success of REA is ample justification for giving it authority to make loans to provide for rural telephone service.

This bill will be a step in the direction of providing rural people equality of opportunity with the rest of the Nation.

EXCERPTS FROM LETTERS

"We in this area are greatly handicapped in marketing our tomatoes because we do not have telephone service.

"We sure need a telephone in this country as we live some 25 miles from a doctor. The phone would be of great help. In case of an accident or sickness the doctor could get to the patient by the time we could get word to him now.

"I am a farmer and stockraiser and I have serious need of a telephone. I quite often have to make special trips to town—which is 8 miles distant—to secure farm supplies, tractor fuel, or a veterinarian, when if I had a telephone, I could call and have these services delivered to my door, without quitting my work. I have waited for the past 12 years trying to get a telephone.

"We would like to have a telephone. Have had application in for over 5 years. Please do what you can to help us."

From a member of the Arkansas Public Service Commission:

"I am informed that the committee has reported out what we know as the Poage bill, which has to do with rural telephone systems through loans similar to the REA loans.

"From my point of view I, of course, could not understand this legislation as well as you, and I am not attempting to pass on its merits or demerits. I would like to express my personal views and wishes to you for whatever they may be worth. I feel that a rural telephone system in Arkansas which is comparable with the REA would be one of the greatest steps forward in developing our rural areas that has been taken since REA was inaugurated. Our State is practically without rural telephone service, and we could have a part in developing a telephone policy that would set up an ideal system for the State as we look forward to its development. I have discussed this proposition with numerous rural people and find them enthusiastic in support thereof."

THE ELKINS TELEPHONE CO.,
Elkins, Ark., June 23, 1949.

Senator FULBRIGHT.

Senator McCLELLAN of Arkansas.

DEAR SIRS: Having learned about the prospects of providing a bill for loans to independent telephone companies on low rate of interest and long-time terms of 35 years to pay back, I am writing you to urge this bill through. We of the independent companies need such help and very much so—since individually we are not financially able to build lines to all of our people now in or within our franchises.

Lines need repairs, and extension over territory not before reached. This can be done and farmers aided in great ways by having it made possible to have phones. I know we would be able to do this and do it properly by borrowing. This, of course, cannot be done from other loan systems to any advantage to us. We have to pay loans back before the system pays it out. Now the loans talked of through this system similar to the REA loans appeals to me greatly. I hope and pray you will make every effort to aid it through.

I expect to borrow if such a loan passes. I know it means growth and actually serving the people as we should according to our franchises.

Kindest regards for you and your success. I am,

Sincerely yours,

OLEY W. A. DRAVES,
Owner and Manager the Elkins
Telephone Co., Elkins, Ark.

The PRESIDING OFFICER (Mr. HILL in the chair). Without objection, the bill will be passed to the foot of the calendar.

EXCHANGE OF WILDLIFE REFUGE LANDS IN THE STATE OF WASHINGTON

The bill (H. R. 3420) to authorize the exchange of wildlife refuge lands within the State of Washington, was considered, ordered to a third reading, read the third time, and passed.

EQUALIZATION OF PAY AND RETIREMENT BENEFITS IN THE REGULAR COAST GUARD

The Senate proceeded to consider the bill (S. 2477) to equalize pay and retirement benefits of certain classes of commissioned officers appointed to the Regular Coast Guard, which had been reported from the Committee on Interstate and Foreign Commerce with an amendment to strike out all after the enacting clause and insert:

That title 14, United States Code, is amended by inserting the following new section immediately following section 433 thereof:

"434. Personnel appointed as constructors:

"In computing length of service of a person commissioned under the provisions of section 8 of the act entitled 'An act to readjust the commissioned personnel of the Coast Guard, and for other purposes,' approved July 3, 1926 (44 Stat. 817), there shall be included, in addition to all service now or hereafter creditable by law, for all purposes of retirement, all services as a civilian employee of the United States within the purview of sections 691, 693, 698, 707, 709-715, 716-719, 720-725, 727-729, 730, 731, and 733 of title 5; and for all purposes of pay, so much of such service as was rendered as a civilian employee in the Coast Guard. Service covering the same period shall not be counted more than once."

The amendment was agreed to.

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

The title was amended so as to read: "A bill to amend title 14, United States Code, so as to equalize pay and retirement benefits of a certain class of commissioned officers of the Coast Guard."

PAYMENT OF ANNUAL LEAVE TO CERTAIN OFFICERS AND EMPLOYEES

The bill (S. 2350) to amend the act of August 8, 1946, relating to the payment of annual leave to certain officers and employees, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act of August 8, 1946 (60 Stat. 938), is amended by the addition of section 2, reading as follows:

"SEC. 2. (a) If an officer or employee who under section 1 of this act would have been entitled to receive a lump-sum payment as compensation for annual leave is deceased, the payment shall be made to his estate.

"(b) The compensation provided for in section 1 of this act shall be for all accumulated or current accrued annual leave which would have been due the officer or employee under the leave regulations in effect on the date of the expiration of the Bituminous Coal Act of 1937 (50 Stat. 72) had he remained in the service immediately following the expiration of the Bituminous Coal Act until the expiration of such annual leave and which has not been granted him or for which he has not otherwise received credit or compensation.

"(c) Notwithstanding the period provided in section 1 of this act for the filing of notices of election to receive lump-sum payments as compensation for annual leave, such payments may be made if a notice of election has been or is filed by an officer or employee, or the duly authorized representative of the estate of an officer or employee who is deceased, before the expiration of 180 days after the enactment of this section 2.

"(d) Any payments heretofore made which are in conformity with the provisions of this act, as amended, are ratified.

"(e) There is authorized to be appropriated not to exceed \$3,052.26 for the purpose of making payments under this act, as amended."

COMPENSATION FROM DUAL EMPLOYMENTS UNDER THE UNITED STATES

The Senate proceeded to consider the bill (S. 2351) to simplify and consolidate the laws relating to the receipt of compensation from dual employments under the United States, and for other purposes, which had been reported from the Committee on Post Office and Civil Service, with amendments, in section 3, on page 2, line 19, after the words "on account of", to strike out the misspelling of "service" and insert "service" spelled correctly; and in line 25, after "U. S. C., title," to strike out "3" and insert "37", so as to make the bill read:

Be it enacted, etc., That unless otherwise specifically authorized by law, any person receiving compensation from any office or position, appointive or elective, under the United States or any department or agency thereof, including Government-owned or controlled corporations, or under the government of the District of Columbia, shall not be eligible to receive compensation from any other such office or position except to such extent as will not cause the combined amounts actually received for any period of time to exceed the rate of \$5,000 per annum: *Provided,* That when the compensation of either office or position amounts to or exceeds the rate of \$5,000 per annum such person shall be eligible to receive the compensation of either office or position, as he may elect.

SEC. 2. For the purpose of this act, an hourly rate, other than an hourly rate which is paid as a proportionate part of an annual rate, shall be multiplied by 2,080 to obtain an equivalent annual rate for the position; and a daily rate, other than a daily rate which is paid as a proportionate part of an annual rate, shall be multiplied by 260 to obtain an equivalent annual rate for the position.

SEC. 3. As used in this act, the phrase "compensation from any office or position" shall be construed to include any basic salary, wages, or other emolument, including permanent additions such as statutory pay increases, but excluding any temporary additions such as overtime pay or night differential, for or on account of service as a civilian officer or employee of the United States, or any department or agency thereof, including Government-owned or controlled corporations, or of the government of the District of Columbia, and retired pay on account of services as a commissioned officer in any of the services specified in the Pay Readjustment Act of 1942 (U. S. C., title 37, sec. 101 and the following), but nothing in this act shall be construed to apply to retired pay of enlisted men or warrant officers of such service retired for any cause, nor to retired pay of Regular, Reserve, or temporary commissioned officers retired for disability incurred in combat with an enemy of the United States or for disabilities resulting from an explosion of an instrumentality of war in line of duty during an enlistment or employment as provided in Veterans Regulation No. 1 (a), part I, paragraph I.

SEC. 4. The provisions of this act may be suspended by order of the President during any period of national emergency when in his opinion the public interest would be served by making the services of Federal

officers and employees available for additional duty.

SEC. 5. (a) All laws or parts of laws inconsistent with the provisions of this act are hereby repealed, and such repeal shall include but shall not be limited to the following acts and parts of acts:

(1) Section 2 of the act of July 31, 1894 (28 Stat. 205, as amended by the act of May 31, 1924, 43 Stat. 245); section 6 of the act of July 30, 1937 (50 Stat. 549); and the act of June 25, 1938 (52 Stat. 1194), relative to the holding of two offices (U. S. C., title 5, sec. 62).

(2) Section 6 of the act of May 10, 1916 (39 Stat. 120), as amended by the act of August 29, 1916 (39 Stat. 582), relative to double salaries (U. S. C., title 5, secs. 58 and 59).

(3) Section 212 of the act of June 30, 1932 (47 Stat. 406), as amended by section 3 of the act of July 15, 1940 (54 Stat. 761), relative to limitation of retired pay received for commissioned service when combined with civilian salary (U. S. C., title 5, sec. 59a).

(4) Revised Statutes, section 1763, relative to the receiving of compensation from more than one office.

(5) Revised Statutes, section 1764, relative to additional compensation for extra services (U. S. C., title 5, sec. 69).

(6) Revised Statutes, section 1765, relative to additional compensation to any person whose salary is fixed by law or regulation (U. S. C., title 5, sec. 70).

(7) Section 7 of the act of June 3, 1896 (29 Stat. 235), relative to retired officers of the Army and Navy employed on river and harbor improvements (U. S. C., title 5, sec. 63).

(8) Section 9 of the act of October 6, 1917 (40 Stat. 384), relative to teachers in the public schools of the District of Columbia who are also employed as teachers of night schools and vacation schools (U. S. C., title 5, sec. 61).

(9) Act of July 8, 1918, section 1 (40 Stat. 823), last paragraph under the heading "Public Schools", relative to employees of the community center department of the public schools of the District of Columbia (U. S. C., title 5, sec. 61).

(10) Act of June 25, 1920, section 1 (41 Stat. 1017), ninth paragraph under the heading "Public schools", relative to employees of the school garden department of the public schools of the District of Columbia (U. S. C., title 5, sec. 61).

(11) Act of February 17, 1922 (42 Stat. 373), the proviso to paragraph heading "Bureau of the Budget", relative to retired officers of the Army, Navy, Marine Corps, or Coast Guard, appointed to offices in the Bureau of the Budget (U. S. C., title 5, sec. 64).

(12) Section 6 of the act of March 3, 1925 (43 Stat. 1108), relative to employees of the Library of Congress receiving additional compensation from trust funds (U. S. C., title 5, sec. 60).

(13) Section 1 of the act of March 1, 1929 (45 Stat. 1441), as amended by the act of June 11, 1942 (56 Stat. 353, Public Law 605, 77th Cong.), and the act of December 23, 1944 (58 Stat. 922, Public Law 555, 78th Cong.), relative to dual employment of postal employees (U. S. C., Supp. V, title 39, sec. 136).

(14) Act of January 22, 1932, section 3, fifth sentence (47 Stat. 5), relative to employees of the Reconstruction Finance Corporation (U. S. C., title 15, sec. 603).

(15) Act of July 1, 1942 (56 Stat. 467, Public Law 642, 77th Cong.), relative to custodial employees of the Board of Education of the District of Columbia.

(16) Act of June 28, 1944, section 1 (58 Stat. 575), first paragraph, third proviso, under the heading "Finance Department, Finance Service, Army," and similar provi-

sion in the act of July 3, 1945, section 1 (59 Stat. 386), first paragraph, third proviso, under the heading "Finance Department, Finance Service, Army," and the act of July 16, 1946, section 1 (60 Stat. 543), first paragraph, third proviso, under the heading "Finance Department, Finance Service, Army," relative to retired military personnel on duty at the United States Soldiers' Home (U. S. C., Supp. V, title 5, sec. 59b).

(17) Act of August 10, 1946 (60 Stat. 978, Public Law 718, 79th Cong.), relative to appointment of retired officers in the Veterans' Administration.

(b) The act of June 16, 1938 (52 Stat. 752, Public Law 645, 75th Cong.; U. S. C., title 28, sec. 569), is amended by striking out "\$3,000 per annum" in the last line and substituting "\$5,000 per annum."

(c) Nothing in this act, however, shall be construed to modify or repeal any of the following:

(1) Act of August 1, 1941 (55 Stat. 616, Public Law 202, 77th Cong.), as amended by the act of April 7, 1942 (56 Stat. 200, Public Law 517, 77th Cong.), and the act of November 12, 1945 (59 Stat. 584, Public Law 226, 79th Cong.), relative to receipt of payment for annual leave by civilian employees who enter the armed forces, and receipt of compensation in civilian positions by military personnel on terminal leave from the armed forces (U. S. C., title 5, Supp. V., secs. 61a, 61a-1, a-f).

(2) Naval Reserve Act of June 25, 1938, section 4, third proviso (52 Stat. 1176), relative to members of the Naval Reserve receiving pay and allowances from civilian positions concurrently with pay and allowances under that act (U. S. C., title 34, sec. 853b).

(3) Public Law 153, Eightieth Congress, approved July 1, 1947, section 1 (b), relative to concurrent receipt of civilian pay and pay and allowances under laws relating to the Officers' Reserve Corps and the Enlisted Reserve Corps.

(4) Public Law 153, Eightieth Congress, approved July 1, 1947, section 2, relative to concurrent receipt of civilian pay and pay and allowances under provisions of law relating to the National Guard.

Mr. SCHOEPEL. Mr. President, I should like to ask the sponsor of this measure for a brief explanation. I note that there is no report by any of the agencies involved.

Mr. HUMPHREY. Mr. President, will the Senator please repeat his inquiry?

Mr. SCHOEPEL. I should like to say to the distinguished Senator from Minnesota that I note that there is no report by any of the Federal agencies on this measure. I should like to have a brief explanation.

Mr. HUMPHREY. The Civil Service Commission has strongly recommended this measure. I have a letter from the Acting Director of the Bureau of the Budget in reference to the bill. He generally approves. However, he makes one observation which I think should be entered in the RECORD. I quote from the letter of Mr. F. J. Lawton, Acting Director of the Bureau of the Budget:

There are, however, minor imperfections in the bill, and we do not yet have sufficient information to correct them. For example, in section 3, reference is made to certain exemptions for disabilities resulting "from an explosion of an instrumentality of war." This concept was undoubtedly valid and broad enough to insure general applicability at the time of its original enactment. Now, however, there are other categories of military hazard which even by broad construction of

language could not be brought within the meaning of those words and which are equally deserving as a basis for exemption.

Other than that, so far as the Post Office Department and other departments of Government are concerned, since the bill has general application we felt that the recommendation of the Civil Service Commission, which really had inspired the legislation, was the important recommendation to be considered. That is the one agency of government from which we ought to hear.

Mr. SCHOEPEL. I ask the distinguished Senator from Minnesota about how many persons would be affected by this bill?

Mr. HUMPHREY. It would be rather difficult to make an estimate, in view of the fact that it is rather difficult to know who would be eligible for dual employment, or who would be assigned for dual employment.

The situation which brought about the bill is this: We have had employees in Federal agencies who have been assigned to two or more jobs, and they have collected the salaries from all the jobs to which they have been assigned. That is not true in every instance, but it is true in some instances. The purpose of the bill is to provide that when a Government officer is assigned to two or more jobs, at salaries above \$5,000, he must elect the salary which he wishes to receive. For example, if there were a salary on one job of \$8,000, and on another job of \$8,500, he could not receive \$16,500. He would have to make his choice as between the \$8,000 salary and the \$8,500 salary. I am sure there would be no doubt as to which he would choose.

The objective was to do away with the cumulative aggregate total salaries going to one man, who would be performing several jobs which had separate salary classifications.

Mr. SCHOEPEL. I ask the distinguished junior Senator from Minnesota whether this bill would affect the rights of war veterans who might be disabled, and who might be employed in the categories mentioned.

Mr. HUMPHREY. No; there is a specific exemption for veterans who have been disabled. I think there was an amendment to be proposed in that connection.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. SPARKMAN. On behalf of my colleague, the senior Senator from Alabama [Mr. HILL] and myself, I wish to offer an amendment to this bill.

The PRESIDING OFFICER. The committee amendments should first be considered, and they will be stated.

The amendments of the committee were, on page 2, in line 19, after the words "account of", to strike out "servic" and insert "service"; and in line 25, after the word "title", to strike out "3" and insert "37".

The amendments were agreed to.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. I am glad to yield for a question.

Mr. FULBRIGHT. I notice that the report states that the ceiling is raised from \$2,500 to \$3,000. I thought the bill raised the ceiling to \$5,000. Is the report incorrect?

Mr. HUMPHREY. There was a typographical or printing error in the report. I am glad the Senator has pointed it out. The ceiling will be raised from \$2,500 to \$5,000.

Mr. FULBRIGHT. Was not the ceiling formerly \$3,000?

Mr. HUMPHREY. No; it was \$2,500.

Mr. FULBRIGHT. I should like to ask a further question. There is a retired doctor who now is working for the Veterans' Administration. Would the new ceiling of \$5,000 apply to him? He has retirement pay from previous service as a doctor, and he now is employed by the Veterans' Administration as a doctor. Would the ceiling of \$5,000 apply to him?

Mr. HUMPHREY. It would not, according to my understanding of the bill. I believe he would still be eligible for the pension and would be able to obtain the salary assigned to him.

Mr. FULBRIGHT. In addition to his retirement pay?

Mr. HUMPHREY. That is my understanding.

Mr. SPARKMAN. Mr. President, I now offer and send to the desk the amendment I previously mentioned, which is offered on behalf of my colleague, the senior Senator from Alabama [Mr. HILL] and myself.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, in line 9, it is proposed to strike out the period at the end of the line, insert a comma therefor, and insert the following: "nor to retired pay of any officer, warrant officer, or enlisted person retired under provision of title III of Public Law 810 of the Eightieth Congress, as amended, when such retirement is effected during the time such person is so employed as to otherwise come under the provisions of this act as set forth in section 1 hereof."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, 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, as follows:

Be it enacted, etc., That unless otherwise specifically authorized by law, any person receiving compensation from any office or position, appointive or elective, under the United States or any department or agency thereof, including Government-owned or controlled corporations, or under the government of the District of Columbia, shall not be eligible to receive compensation from any other such office or position except to such extent as will not cause the combined amounts actually received for any period of time to exceed the rate of \$5,000 per annum: *Provided*, That when the compensation of either office or position amounts to or exceeds the rate of \$5,000 per annum such person

shall be eligible to receive the compensation of either office or position, as he may elect.

SEC. 2. For the purpose of this act, an hourly rate, other than an hourly rate which is paid as a proportionate part of an annual rate, shall be multiplied by 2,080 to obtain an equivalent annual rate for the position; and a daily rate, other than a daily rate which is paid as a proportionate part of an annual rate, shall be multiplied by 260 to obtain an equivalent annual rate for the position.

SEC. 3. As used in this act the phrase "compensation from any office or position" shall be construed to include any basic salary, wages, or other emolument, including permanent additions such as statutory pay increases, but excluding any temporary additions such as overtime pay or night differential, for or on account of service as a civilian officer or employee of the United States, or any department or agency thereof, including Government-owned or controlled corporations, or of the government of the District of Columbia, and retired pay on account of services as a commissioned officer in any of the services specified in the Pay Readjustment Act of 1942 (U. S. C., title 37, sec. 101 and the following), but nothing in this act shall be construed to apply to retired pay of enlisted men or warrant officers of such service retired for any cause, nor to retired pay of Regular, Reserve, or temporary commissioned officers retired for disability incurred in combat with an enemy of the United States or for disabilities resulting from an explosion of an instrumentality of war in line of duty during an enlistment or employment as provided in Veterans Regulation No. 1 (a), part I, paragraph I, nor to retired pay of any officer, warrant officer, or enlisted person retired under provision of title III of Public Law 810 of the Eightieth Congress, as amended, when such retirement is effected during the time such person is so employed as to otherwise come under the provisions of this act as set forth in section 1 hereof.

SEC. 4. The provisions of this act may be suspended by order of the President during any period of national emergency when in his opinion the public interest would be served by making the services of Federal officers and employees available for additional duty.

SEC. 5. (a) All laws or parts of laws inconsistent with the provisions of this act are hereby repealed, and such repeal shall include but shall not be limited to the following acts and parts of acts:

(1) Section 2 of the act of July 31, 1894 (28 Stat. 205, as amended by the act of May 31, 1924, 43 Stat. 245); section 6 of the act of July 30, 1937 (50 Stat. 549); and the act of June 25, 1938 (52 Stat. 1194), relative to the holding of two offices (U. S. C., title 5, sec. 62).

(2) Section 6 of the act of May 10, 1916 (39 Stat. 120), as amended by the act of August 29, 1916 (39 Stat. 582), relative to double salaries (U. S. C., title 5, secs. 58 and 59).

(3) Section 212 of the act of June 30, 1932 (47 Stat. 406), as amended by section 3 of the act of July 15, 1940 (54 Stat. 761), relative to limitation of retired pay received for commissioned service when combined with civilian salary (U. S. C., title 5, sec. 59a).

(4) Revised Statutes, section 1763, relative to the receiving of compensation from more than one office.

(5) Revised Statutes, section 1764, relative to additional compensation for extra services (U. S. C., title 5, sec. 69).

(6) Revised Statutes, section 1765, relative to additional compensation to any person whose salary is fixed by law or regulation (U. S. C., title 5, sec. 70).

(7) Section 7 of the act of June 3, 1896 (29 Stat. 235), relative to retired officers of the Army and Navy employed on river and

harbor improvements (U. S. C., title 5, sec. 63).

(8) Section 9 of the act of October 6, 1917 (40 Stat. 384), relative to teachers in the public schools of the District of Columbia who are also employed as teachers of night schools and vacation schools (U. S. C., title 5, sec. 61).

(9) Act of July 8, 1918, section 1 (40 Stat. 823), last paragraph under the heading "Public Schools," relative to employees of the community center department of the public schools of the District of Columbia (U. S. C., title 5, sec. 61).

(10) Act of June 25, 1920, section 1 (41 Stat. 1017), ninth paragraph under the heading "Public schools," relative to employees of the school garden department of the public schools of the District of Columbia (U. S. C., title 5, sec. 61).

(11) Act of February 17, 1922 (42 Stat. 373), the proviso to paragraph heading "Bureau of the Budget," relative to retired officers of the Army, Navy, Marine Corps, or Coast Guard, appointed to offices in the Bureau of the Budget (U. S. C., title 5, sec. 64).

(12) Section 6 of the act of March 3, 1925 (43 Stat. 1108), relative to employees of the Library of Congress receiving additional compensation from trust funds (U. S. C., title 5, sec. 60).

(13) Section 1 of the act of March 1, 1929 (45 Stat. 1441), as amended by the act of June 11, 1942 (56 Stat. 358, Public Law 605, 77th Cong.), and the act of December 23, 1944 (58 Stat. 922, Public Law 555, 78th Cong.), relative to dual employment of postal employees (U. S. C., Supp. V, title 39, sec. 136).

(14) Act of January 22, 1932, section 3, fifth sentence (47 Stat. 5), relative to employees of the Reconstruction Finance Corporation (U. S. C., title 15, sec. 603).

(15) Act of July 1, 1942 (56 Stat. 467, Public Law 642, 77th Cong.), relative to custodial employees of the Board of Education of the District of Columbia.

(16) Act of June 28, 1944, section 1 (53 Stat. 575), first paragraph, third proviso, under the heading "Finance Department, Finance Service, Army," and similar provisions in the act of July 3, 1945, section 1 (59 Stat. 386), first paragraph, third proviso, under the heading "Finance Department, Finance Service, Army," and the act of July 16, 1946, section 1 (60 Stat. 543), first paragraph, third proviso, under the heading "Finance Department, Finance Service, Army," relative to retired military personnel on duty at the United States Soldiers' Home (U. S. C., Supp. V, title 5, sec. 59b).

(17) Act of August 10, 1946 (60 Stat. 978, Public Law 718, 79th Cong.), relative to appointment of retired officers in the Veterans' Administration.

(b) The act of June 16, 1938 (52 Stat. 752, Public Law 645, 75th Cong.; U. S. C., title 28, sec. 569), is amended by striking out "\$3,000 per annum" in the last line and substituting "\$5,000 per annum."

(c) Nothing in this act, however, shall be construed to modify or repeal any of the following:

(1) Act of August 1, 1941 (55 Stat. 616, Public Law 202, 77th Cong.), as amended by the act of April 7, 1942 (56 Stat. 200, Public Law 517, 77th Cong.), and the act of November 12, 1945 (59 Stat. 584, Public Law 226, 79th Cong.), relative to receipt of payment for annual leave by civilian employees who enter the armed forces, and receipt of compensation in civilian positions by military personnel on terminal leave from the armed forces (U. S. C., title 5, Supp. V, secs. 61a, 61a-1, a-f).

(2) Naval Reserve Act of June 25, 1938, section 4, third proviso (52 Stat. 1176), relative to members of the Naval Reserve receiving pay and allowances from civilian positions concurrently with pay and allowances under that act (U. S. C., title 34, sec. 853b).

(3) Public Law 153, Eightieth Congress, approved July 1, 1947, section 1 (b), relative to concurrent receipt of civilian pay and pay and allowances under laws relating to the Officers' Reserve Corps and the Enlisted Reserve Corps.

(4) Public Law 153, Eightieth Congress, approved July 1, 1947, section 2, relative to concurrent receipt of civilian pay and pay and allowances under provisions of law relating to the National Guard.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Civil Service Commission answering any questions which may arise. I also ask unanimous consent to have printed at this point in the RECORD a copy of the committee report.

There being no objection, the letter and the report (No. 1075) were ordered to be printed in the RECORD, as follows:

UNITED STATES CIVIL SERVICE

COMMISSION,

Washington, D. C., July 15, 1949.

The VICE PRESIDENT,

United States Senate.

SIR: The Civil Service Commission respectfully submits for your consideration a draft of bill to simplify and consolidate the laws relating to the receipt of compensation from dual employments under the United States.

Section 2 of the act of July 31, 1894, as amended (5 U. S. C. 63), provides:

"No person who holds an office the salary or annual compensation attached to which amounts to the sum of \$2,500 shall be appointed to or hold any other office to which compensation is attached unless specially heretofore or hereafter specially authorized by law; but this shall not apply to retired officers of the Army, Navy, Marine Corps, or Coast Guard whenever they may be elected to public office or whenever the President shall appoint them to office, by and with the advice and consent of the Senate. Retired enlisted men of the Army, Navy, Marine Corps, or Coast Guard retired for any cause, and retired officers of the Army, Navy, Marine Corps, or Coast Guard who have been retired for injuries received in battle or for injuries or incapacity incurred in line of duty shall not, within the meaning of this section, be construed to hold or to have held an office during such retirement."

Section 6 of the act of May 10, 1916, as amended (5 U. S. C. 59), provides:

"Unless otherwise specially authorized by law, no money appropriated by this or any other act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of \$2,000 per annum, but this shall not apply to retired officers or enlisted men of the Army, Navy, Marine Corps, or Coast Guard; or to officers and enlisted men of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia."

Section 212 of the act of June 30, 1932, as amended (5 U. S. C. 59a), provides:

"(a) After the date of the enactment of this act no person holding a civilian office or position, appointive or elective, under the United States Government or the municipal government of the District of Columbia, or under any corporation, the majority of the stock of which is owned by the United States, shall be entitled, during the period of such incumbency, to retired pay from the United States for or on account of services as a commissioned officer in any of the services mentioned in the Pay Adjustment Act of 1922 (U. S. C., title 37); at a rate in excess of an amount which, when combined with the annual rate of compensation from such civilian office or position, makes the total rate from both sources more than \$3,000; and when the retired pay amounts to or exceeds

the rate of \$3,000 per annum such person shall be entitled to the pay of the civilian office or position or the retired pay, whichever he may elect. As used in this section, the term 'retired pay' shall be construed to include credits for all service that lawfully may enter into the computation thereof.

"(b) This section shall not apply to any person whose retired pay, plus civilian pay, amounts to less than \$3,000: *Provided*, That this section shall not apply to Regular or emergency commissioned officers retired for disability incurred in combat with an enemy of the United States or for disabilities resulting from an explosion of an instrumentality of war in line of duty during an enlistment or employment as provided in Veterans Regulation No. 1 (a), part I, paragraph I."

Numerous decisions of the Comptroller General have been necessary to determine the application of one or more of these statutes to specific cases, particularly in cases of employment of retired officers. It will be noted that each of these dual-compensation statutes, more than one of which may apply to the same case, have different exemption provisions.

The Commission believes not only that these dual compensation statutes should be brought into harmony, for ease of administration, with the same exemptions, and the same maximum on dual compensation in all cases affected, but that the maximum should be liberalized in view of present-day salaries and living costs.

Such legislation, in order to clear the books of inconsistent statutes, would also involve the repeal of the following statutory provisions:

Section 1763, Revised Statutes:

"No person who holds an office, the salary or annual compensation attached to which amounts to the sum of \$2,500, shall receive compensation for discharging the duties of any other office, unless expressly authorized by law."

Section 1764, Revised Statutes (5 U. S. C. 69):

"No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other Department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law."

Section 1765, Revised Statutes (5 U. S. C. 70):

"No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation."

The act of June 16, 1938 (Public Law 645, 75th Cong., 52 Stat. 752), dealing only with certain personnel of United States district courts, contains a \$3,000 limitation on certain dual employments. If the general dual compensation statutes are to be liberalized, this specific limitation probably should be increased to the same figure. The statute reads:

"No clerk or deputy clerk or assistant in the office of the clerk of a United States district court shall receive any compensation or emoluments through any office or position to which he may be appointed by the court, other than that received as such clerk, deputy clerk, or assistant, whether from the United States or from private litigants, and the acceptance of payment for personal services from private litigants shall be deemed a vacation of their appointments, but clerks of United States district courts, their deputies

and assistants, who are or may be appointed United States commissioners, may receive compensation for both offices in an aggregate amount not exceeding the rate of \$3,000 per annum."

The enclosed draft of proposed legislation would repeal the dual compensation statutes quoted above, and substitute a uniform maximum of \$5,000 per annum on combined salaries, or combined salary and retired pay. The present exemption of retired pay of retired enlisted men from such limitations would be continued. The retired pay of retired warrant officers, who are now construed to hold an office within the meaning of section 2 of the act of July 31, 1894, but who are not subject to the \$3,000 limit of section 212 of the act of June 30, 1932, would be specifically excepted from the \$5,000 limitation on retired pay combined with salary. The only retired commissioned officers whose retired pay would be excepted from the limitation would be the same class now excepted from the \$3,000 limitation, namely, those whose retirement is "for disability incurred in combat with an enemy of the United States or for disabilities resulting from an explosion of an instrumentality of war in line of duty during an enlistment or employment as provided in Veterans Regulation Numbered 1 (a), part I, paragraph I."

Section 5 (c) (1) of the proposed legislation would save from repeal certain statutes which permit civilian employees who enter active military service to be paid for their annual leave concurrently with the receipt of military pay, and permit military personnel on terminal leave from the armed forces to hold civilian positions and receive compensation therefrom. Section 5 (c) (2), (3), and (4) would save from repeal certain statutes which permit members of Reserve organizations to be carried on paid annual leave while engaged in paid training duty, or to be carried on paid leave from active duty in the Reserves while on paid duty in a civilian position.

There are some statutory provisions which now except certain employments from one or more of the existing dual compensation statutes. The proposed legislation would specifically repeal all the exceptions of which we know, in order to avoid future ambiguities. We have not included in the proposed draft any exceptions for specific agencies or employments, since we cannot assume that an exception to the proposed liberalized limitation is necessary on the basis that an exception to one or more of the existing dual compensation statutes was enacted at some time in the past. This is particularly true in the case of exceptions to the \$2,500 limitation of the 1894 statute and the \$2,000 limitation of the 1916 statute. Those statutes actually prevent the second employment in cases subject to their coverage, whereas the proposed \$5,000 limitation would permit dual employment, but limit the amount of additional compensation which may be received from the second employment.

A provision is contained in the draft (section 4) which would permit the \$5,000 limitation to be suspended by order of the President during any period of national emergency when in his opinion the public interest would be served by making the services of Federal officers and employees available for additional duty. During the recent war Government departments would frequently have been aided by using part-time services of employees of other departments, or services of retired officers, but were prevented from doing so by the dual compensation statutes. Section 4 would authorize the President to permit such use of services without any limit in such times of national emergency.

In view of the foregoing, the Commission recommends enactment of the enclosed draft of proposed legislation. It is believed that economy to the Government would result if the law regarding dual compensation were

simplified so that departments no longer would encounter continual difficulties in insuring that the various restrictions are observed.

The Commission, in accordance with established procedure, has been informed by the Bureau of the Budget that there would be no objection to the submission of the proposed legislation for the consideration of the Congress.

Sincerely yours,

HARRY B. MITCHELL,

President.

(By direction of the Commission.)

The Committee on Post Office and Civil Service, to whom was referred the bill (S. 2351), to simplify and consolidate the laws relating to the receipt of compensation from dual employment under the United States, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill do pass, as amended.

STATEMENT

The stated purpose of S. 2351 is to simplify and consolidate the laws relating to the receipt of compensation from dual employment under the United States. At present this subject is dealt with by various and unrelated statutes, as is demonstrated by section 5 of the bill which enumerates these statutes, with a brief description of each, and provides either for their repeal, amendment, or that they shall be unaffected.

Section 1 of the bill provides that, unless otherwise specifically authorized by law, any person receiving compensation from any office or position, appointive or elective, under the United States or any department or agency thereof, including Government-owned or controlled corporations, or under the government of the District of Columbia, shall not be eligible to receive compensation from any other such office or position except to such extent as will not cause the combined amounts actually received for any period of time to exceed the rate of \$5,000 per annum. It is provided, however, that when the compensation of either office or position amounts to or exceeds the rate of \$5,000 per annum such person shall be eligible to receive the compensation of either office or position, as he may elect.

This section continues the policy of the present law, that when the total salary or annual compensation of two offices is below a certain figure, one person may hold both offices. (See sec. 2 of the act of July 31, 1894, as amended, 5 U. S. C. sec. 62; (1938) 39 Op. Atty. Gen. 197.) It has been said that the traditions and usages of government recognize the policy and propriety of employing, when necessary, the same person at the same time in two distinct and not incompatible capacities. *Landrum v. U. S.* ((1880), 16 C. Cl. 74). The proposal in section 1 of the bill, however, raises the salary or compensation ceiling from the present rate of \$2,500 per annum to \$5,000 per annum. Moreover, proposed section 1 does not, as does the present law previously referred to, forbid the holding of two offices to which compensation is attached except when the combined compensation is below a certain figure, but instead simply provides that when the compensation of either office or position amounts to or exceeds the rate of \$5,000 per annum such person shall be eligible to receive the compensation of either office or position, as he may elect. Thus the proposed provision is limited strictly to the purpose of preventing dual compensation, not dual office holding. This purpose was said also to be the basic intent of the present law. (See *Pack v. U. S.* ((1906), 41 C. Cl. 414).)

Section 2 of the bill provides that for the purposes of the proposed law, an hourly rate, other than an hourly rate which is paid as

a proportionate part of an annual rate, shall be multiplied by 2,080 to obtain an equivalent annual rate for the position; and a daily rate, other than a daily rate which is paid as a proportionate part of an annual rate, shall be multiplied by 260 to obtain an equivalent annual rate for the position.

Section 3 of the bill further provides that as used in the bill, the phrase "compensation from any office or position" shall be construed to include any basic salary, wages, or other emolument, including permanent additions such as statutory pay increases, but excluding any temporary additions such as overtime pay or night differential, for or on account of service as a civilian officer or employee of the United States, or any department or agency thereof, including Government-owned or controlled corporations, or of the government of the District of Columbia.

Section 3 of the bill also provides that the phrase "compensation from any office or position," as used in the bill, shall be construed to include retired pay on account of services as a commissioned officer in any of the services specified in the Pay Readjustment Act of 1942 (37 U. S. C. sec. 101 et seq.), but that nothing in the bill shall be construed to apply to retired pay of enlisted men or warrant officers of such service retired for any cause, nor to retired pay of Regular, Reserve, or temporary commissioned officers retired for disability incurred in combat with an enemy of the United States or for disabilities resulting from an explosion of an instrumentality of war in line of duty during an enlistment or employment as provided in Veterans Regulation No. 1 (a), part 1, paragraph 1. In connection with this portion of section 3 of the bill, attention may also be called to section 212 of the act of June 30, 1933, as amended (5 U. S. C. sec. 59a), reading as follows:

"(a) After June 30, 1932, no person holding a civilian office or position, appointive or elective, under the United States Government or the municipal government of the District of Columbia or under any corporation, the majority of the stock of which is owned by the United States, shall be entitled, during the period of such incumbency, to retired pay from the United States for or on account of services as a commissioned officer in any of the services mentioned in title 37, at a rate in excess of an amount which when combined with the annual rate of compensation from such civilian office or position, makes the total rate from both sources more than \$3,000; and when the retired pay amounts to or exceeds the rate of \$3,000 per annum such person shall be entitled to the pay of the civilian office or position or the retired pay, whichever he may elect. As used in this section, the term "retired pay" shall be construed to include credits for all service that lawfully may enter into the computation thereof.

"(b) This section shall not apply to any person whose retired pay, plus civilian pay, amounts to less than \$3,000: *Provided*, That this section shall not apply to regular or emergency commissioned officers retired for disability incurred in combat with an enemy of the United States or for disabilities resulting from an explosion of an instrumentality of war in line of duty during an enlistment or employment as provided in Veterans Regulation No. 1 (a), part 1, paragraph 1."

It will be noted, therefore, that section 3 of the proposed bill, taken together with section 1, would substantially continue the policy of the present law, above quoted, with refinements, but would raise the ceiling from \$2,500 to \$3,000. The proposed bill also makes it clear that the prohibitions do not encompass the retired pay of enlisted men or warrant officers.

Section 4 of the proposed bill provides that the provisions of the bill may be suspended by order of the President during any period of national emergency when, in his opinion, the public interest would be served by mak-

ing the services of Federal officers and employees available for additional duty.

Section 5 of the bill is the repealing provision heretofore mentioned. It also contains an enumeration of certain measures either to be amended or unaffected by the proposed bill.

Although the various Federal agencies were requested, at the time of the introduction of this bill, to submit reports, no reports have been received. However, the Civil Service Commission, in its request for the introduction of the bill, stated that the Bureau of the Budget has no objection to the proposed submission of this legislation for the consideration of the Congress.

AMENDMENTS

To correct a misspelled word, strike out "servic" line 19 of page 2, and insert in lieu thereof the word "service."

To correct a typographical error, strike out the figure "3", line 25 on page 2, and insert in lieu thereof the figure "37."

Mr. HENDRICKSON. Mr. President, was there any objection to the bill from any veterans' organization?

Mr. HUMPHREY. None was reported to the committee.

Mr. HENDRICKSON. Was any veterans' organization recorded favorably in regard to the bill?

Mr. HUMPHREY. I do not recall that representatives of any veterans' organization testified before the committee. However, the bill was before the committee for a considerable length of time, and ample opportunity was afforded for testimony to be given on behalf of veterans' organizations.

Mr. HENDRICKSON. Were they notified?

Mr. HUMPHREY. They were.

APPLICATION OF CIVIL SERVICE RETIREMENT ACT TO OFFICERS AND EMPLOYEES OF COLUMBIA INSTITUTION FOR THE DEAF

The PRESIDING OFFICER. The clerk will state the next measure on the calendar.

The bill (H. R. 86) to amend the Civil Service Retirement Act so as to make such act applicable to the officers and employees of the Columbia Institution for the Deaf was announced as next in order.

Mr. McCARTHY. Mr. President, reserving the right to object to the consideration of House bill 86, Calendar 1088, I should like to say that I regret having to make a record in this fashion in regard to Calendar 1080, House bill 3300, but it is the only way I can do so.

I should like to have the attention of the Senator from West Virginia [Mr. KILGORE] and the Senator from Arkansas [Mr. FULBRIGHT], if I may.

I wish to call attention to a brief paragraph on page 3 of the committee report; and at such time as House bill 3300, Calendar 1080, is called up for action, I should like to have those Senators answer in regard to this matter. I ask this question because the committee action seems to be different from the committee's report. The committee says:

The committee further notes that the House of Representatives took these recommendations under advisement—

Mr. KILGORE. Mr. President, a parliamentary inquiry: Does the 5-minute rule apply? If so, can it be extended for successive periods of 5 minutes on the

same subject, throughout the calling of the calendar?

The PRESIDING OFFICER. Let the Chair state that the rule of germaneness does not apply. During the call of the calendar, whenever a bill is called up, any Senator is privileged to speak for 5 minutes on that particular bill.

Mr. KILGORE. At that particular time?

The PRESIDING OFFICER. Yes.

Mr. KILGORE. On any subject?

The PRESIDING OFFICER. Yes; germaneness is not required.

Mr. KILGORE. Very well.

Mr. McCARTHY. Mr. President, I may say that I dislike to have to make a record in this fashion, but it is the only way I know to bring this matter to the attention of Senators. I should like to have the Senator from West Virginia listen to this, if he will; and I may say I may have to take an additional period of 5 minutes, but I hope that will be all.

The Senate committee reduced the amount provided by the House from \$15,000 to \$25,000. However, on page 3 of the committee report the following appears as a statement of the committee; I shall quote the language, and at the proper time I shall ask for an explanation:

The committee further notes that the House of Representatives took these recommendations under advisement, but nevertheless passed the bill in the amount of \$35,000. This committee agree with the House of Representatives in its recommendations of payment of \$35,000, because of the total and permanent disability of this young lady, and also because it is aware that had this young lady been a member of the Women's Army Corps she would have—

Mr. President, I wonder if I may have the attention of the Senator from Arkansas? He has been objecting to my amendment on the ground that it does not conform with what the committee has recommended. I am calling attention to the fact that on page 3 of the report the committee has said that it agrees with the House of Representatives in its recommendation of payment of \$35,000.

However, I find that there is now before the Senate a committee amendment which would reduce the amount to \$25,000.

I wonder if the Senator will listen to what I have to say, so that he will inform me why we now find that although the committee report says the committee agrees with the House figure of \$35,000, and considers it proper, yet there is now before the Senate a committee amendment providing an entirely different and considerably smaller amount.

I read now from the committee report:

This committee agrees with the House of Representatives in its recommendation of payment of \$35,000, because of the total and permanent disability of this young lady, and also because it is aware that had this young lady been a member of the Women's Army Corps she would have been eligible for retirement under the provisions of law applicable to that organization and would have received for the rest of her life a disability retirement pay of approximately \$1,600 per year in addition to the fact that she would at all times thereafter be entitled to hospitalization and medical care at Government expense.

My question of the Senator from West Virginia and of the Senator from Arkansas is this: In view of the fact that the committee says it agrees with the House and thinks that \$35,000 is the proper amount, why is there now before the Senate a committee amendment which would reduce the amount to \$25,000?

I would greatly appreciate it if either of the Senators would take 5 minutes to explain this matter, if he can do so.

Mr. KILGORE. I will explain it in less than 5 minutes.

That happens to be a piece of gross carelessness on the part of the committee staff. I have just consulted with our chief counsel about the matter. That figure happened to be copied from the report of the subcommittee, which was amended by the committee as a whole. Through negligence on the part of the committee staff, the figure \$35,000 was left in, and was not changed to \$25,000.

Mr. McCARTHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARTHY. When a committee report shows that the committee has taken a position contra to an amendment pending before the Senate, can the amendment pending before the Senate be presented as a committee amendment?

In that connection, I want to call the attention of the Senator from West Virginia to the fact that this is not merely the changing of a figure from \$35,000 to \$25,000. The language is, "We agree with the House," when the House set it at \$35,000. So striking out the "\$35,000" and inserting "\$25,000" does not make sense.

My parliamentary inquiry, Mr. President, is this: When the committee report says the committee has agreed with the House bill, as is, can we then have submitted to the Senate as a committee amendment something which is contrary to that report?

The PRESIDING OFFICER. The Chair states it is the bill that is controlling. The report is merely explanatory of the bill, and as has been explained by the Senator from West Virginia, there was a mistake made in preparing the report. But the bill as stated by the clerk showed the amendment as the committee reported it.

Mr. LUCAS. Mr. President, I hope we shall be able to move along and make some progress in calling the calendar, without having 5-minute speeches upon a particular bill every time a new bill is called. I understand and appreciate the fact that any Senator has a right to talk 5 minutes on every bill that comes up. But I want to advise my good friend from Wisconsin that he is jeopardizing the interest that this lady has in the bill by continually talking about it, continually raising points of order. The first thing he knows, some Senator is going to object completely to the bill. I hope we can get along, because I think everybody understands the question. It has been debated pro and con here now for the past hour. I hope we can make some progress in calling the calendar, because we are going to remain until we finish it.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. McCARTHY. I gather from what the Senator has said, he is trying to inform the Senator from Wisconsin that if the Senator from Wisconsin fully informs the Senate of the merits of the bill—and to me it is an important bill—

Mr. LUCAS. I am sure it is.

Mr. McCARTHY. Let me finish—that the Senator is in effect telling me that either he or someone else is going to prevent passage of the bill.

Mr. LUCAS. No; not at all.

Mr. McCARTHY. If that be true, I assure the Senator from Illinois that I think my duty is to inform the Senate fully on the merits of the bill. It only concerns one person, I realize, a service woman, but I intend to make the RECORD absolutely clear so that any Senator reading the RECORD will understand why I have insisted that the Senate at least adopt the House figures, if not my figure of \$50,000.

Mr. LUCAS. May I inquire of the Senator from Wisconsin whether he appeared before the committee to present these facts?

Mr. McCARTHY. The Senator from Wisconsin did not appear before the committee. All the necessary facts were presented to the committee. The committee's own report shows that this is a most aggravated case of personal injury. I did not appear before the committee because I knew the committee had all the facts before it. I saw to it that the committee had submitted to it all the facts.

Mr. LUCAS. I am surprised that my friend from Wisconsin would make such a vigorous effort upon the floor of the Senate, apparently on the spur of the moment, in connection with this important claim, and not have appeared before the committee to present all the facts. He, undoubtedly, with his persuasiveness, could have convinced the committee they were wrong. But now he comes here and every time we take up a new bill, we hear a new argument upon this particular case. I say it is somewhat strange to me that my friend from Wisconsin failed to appear before the committee to present these facts.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. McCARTHY. Of course, I knew that the subcommittee, as the Senator from West Virginia said, had recommended what looked like a fairly reasonable amount. I knew the committee report said "We agree" with that figure, and there was no reason for me to appear before the committee. I assumed the committee as a whole would do what committees are wont to do, follow the committee's report. I find now there is an injustice being done, and, even though it is to but one person, I have no choice whatever but to rise here to present the facts to the Senate. If Senators say they disagree with me and vote down my position, well and good. All I ask of the Senate is that it pass upon this question and do something for a woman who has been crippled for 4 years.

Mr. WHERRY. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

The bill before the Senate is House bill 86, to amend the Civil Service Retirement Act so as to make such act applicable to the officers and employees of the Columbia Institution for the Deaf.

Mr. WILLIAMS. Mr. President, I have an amendment to offer to the bill, which I ask to have read.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed, on page 2, between lines 4 and 5, to insert the following new section:

SEC. 3. Section 4 (e) of such act is amended by inserting before the period at the end thereof a comma and the following: "and, in the case of employees of the Columbia Institution for the Deaf, the basic salary, pay, or compensation shall include only that portion of the compensation which is paid from Federal funds."

On page 2, line 5, strike out "Sec. 3" and insert in lieu thereof "Sec. 4."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware.

Mr. JOHNSTON of South Carolina. Mr. President, as chairman of the Committee on Post Office and Civil Service, I am going to take this amendment to the free conference. I do not know at this time how it affects the bill, or how much it will reduce or increase the amount, but I promise the Senator I shall carry the amendment to conference.

Mr. WILLIAMS. I may say to the Senator, as to the cost, there is no cost involved. The amendment merely provides the employees of this institution may use in the computation of their annuity only that portion of their salary which is paid by the Government. As all Senators know, those employees receive a part of their salary from outside sources. Deductions are not made except from that portion which they receive from the Government. Therefore they can only use that same amount in the computation. I thank the Senator.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. WHERRY. Is it not still necessary for the Senate to adopt the amendment?

The PRESIDING OFFICER. That is correct. The question is on agreeing to the amendment offered by the Senator from Delaware [Mr. WILLIAMS].

The amendment was agreed to.

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

The bill was read the third time, and passed.

REHEARING OF BELLOWS FALLS HYDRO-ELECTRIC CORP. CASE

The joint resolution (S. J. Res. 58) providing for a rehearing in the matter of the Bellows Falls Hydroelectric Corp. (project No. 1892), known as the Wilder Dam project, and a review of any order of the Federal Power Commission, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. McCARTHY. Mr. President, reserving the right to object—and I can assure the Senate I do not enjoy delaying the work of the Senate, but the Schiek case is important—I desire to read briefly from page 2 of the committee report. I shall start on page 1, so we will have the complete history:

It appears that Miss Schiek received injuries on May 27, 1945, in Bengal Province, India, while in the service of the American Red Cross, while riding in an Army truck, which overturned, throwing Miss Schiek out. She was immediately taken to the Three Hundred and Seventy-second Station Hospital of the United States Army where she remained for 48 days. Charles H. McDevitt, Jr., chief of the surgical service, discharged her on July 21, 1945, stating that he could find no reason for her constant pain, found no serious injuries, and believed she would be ready for active duty in 2 weeks. Shortly thereafter, she collapsed in Calcutta and was taken by ambulance to the One Hundred and Forty-second General Hospital there. Maj. Helman C. Wasserman was in charge of her case. His office is now at 4500 Olive Street, St. Louis, Mo.

The Calcutta Hospital found gross negligence and malpractice had occurred at the Three Hundred and Seventy-second Field Hospital and that Miss Schiek actually had received the following injuries which had been overlooked—severe transverse fracture of sacrum, fracture of the pelvis, fracture of the process of lumbar four and five, mid-lateral ribs broken, severe injuries to the cauda equina and sacro nerves, no sensation in the lower part of the extremities, inability to walk, unable to control bowels or urine, atrophy of muscles of leg.

The claimant was removed to Halloran Hospital, Staten Island, N. Y., in the fall of 1945. Consultation by Capt. John J. Lowrey, February 5, 1946, suggested ability to return to work in 3 or 4 months. Further examination by same doctor in May 1946 suggested further total disability for 6 months, examination October 1946 by the same doctor suggested inability to work for at least an additional year. In November of 1947, Dr. Wasserman examined Miss Schiek, and stated that "these restrictions will remain and your future life will undoubtedly have to be regulated by these handicaps."

Approximately 4 years after accident she is still unable to walk more than 2 blocks without exhaustion and will slide off an average chair unless her feet are supported. She cannot wear ordinary shoes, but only soft-soled slippers. Because of weakness and atrophy of muscles she is unable to sit or lie in any one position for more than a short period, is still incapable of properly controlling urine and feces, and must spend most of her mornings caring for these functions. Any earning capacity that claimant will have will be restricted to what she can do in her own home. Prior to enlisting in the service of the American Red Cross, Miss Schiek was employed by the Boston Store, Inc., of Milwaukee. Robert A. Heinz, assistant promotion director there, has written that Miss Schiek would have been rehired if physically able to resume her duties and would earn between \$45 and \$50 per week. As it is, she earns nothing.

Claimant does not come under the provisions of the Federal Tort Claims Act and may not institute suit for her injuries because the accident took place in India, outside of the continental limits of the United States, and her only relief must necessarily come from Congress. Her claim has been examined administratively in the War Department, and on February 29, 1948, C. O. Wolfe, colonel, Judge Advocate General's De-

partment, Chief, Claims and Litigation Division, and T. L. Borom, lieutenant colonel, Judge Advocate General's Department, Assistant Chief, Claims and Litigation Division, Department of the Army, wrote to the claimant's counsel, "The Department of the Army can take no administrative action on your client's claim."

On March 12, 1948, claimant's counsel, in an interview with above-named Lieutenant Colonel Borom at the War Department, was told that the War Department could not take action because the claim did not involve property damage, medical expense, or hospital bills. He stated that the War Department felt Miss Schiek had a most meritorious claim and undoubtedly had received very severe injuries in the accident which were not recognized during her 48 days in the Three Hundred and Seventy-second Field Hospital, and that the War Department would approve any sum which Congress felt would properly compensate Miss Schiek for the injuries and disability which manifestly will leave her totally disabled for the rest of her life.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCHOEPEL. Mr. President, does the Senate have before it Calendar No. 1089, Senate Joint Resolution 58?

The PRESIDING OFFICER. The Senator is correct.

Mr. SCHOEPEL. I desire, by request, to object to the consideration of this joint resolution.

Mr. AIKEN. Will the Senator withhold his objection until I make a brief statement?

Mr. SCHOEPEL. Yes.

Mr. AIKEN. Mr. President, I understand the resolution is objected to by the senior Senator from Kansas [Mr. REED]. He had informed me that he would object. The resolution relates to the licensing of the Bellows Falls Hydro-Electric Corp. The purpose of the bill is well stated in the report of the committee. The report says:

It is not the purpose of this joint resolution to substitute the judgment of Congress for that of its agent, the Federal Power Commission, or to place any restrictions upon the power of the courts to adjudicate the matters in controversy. The purpose is to reinvest a substantial group of citizens with rights for orderly review before the Federal Power Commission and the courts. These rights, under a purely technical and procedural requirement of the law, have been lost to such citizens through extenuating circumstances and through no fault of their own.

I may add that through the passage of this joint resolution the State of Vermont also intends to appeal to the courts with regard to the granting of licenses by the Federal Power Commission. A very small amount of power is involved. There is simply the difference of 5 feet in the height of the dam, and several thousand acres of land, mostly class I land, is involved.

A thorough hearing was held on the joint resolution by the Public Works Committee last year. It was reported unanimously and was passed by the Senate, but failed to receive action in the House. This year it was referred to the Committee on Interstate and Foreign Commerce and was reported favorably, with the single exception of the Senator from Kansas. Although I shall not make any motion at the end of the call of the calendar, I shall, at the first op-

portunity, move to bring the bill before the Senate for action, because it is intended simply to correct an injustice which the people of Vermont and New Hampshire have suffered through no fault of their own, as the report states.

The PRESIDING OFFICER. Objection being heard to the consideration of the joint resolution, it will be passed over.

ACTIVE-DUTY STATUS OF CERTAIN OFFICERS OF THE ARMY AND AIR FORCE

The bill (H. R. 4767) to clarify the active-duty status of certain officers of the Army of the United States and the Air Force of the United States was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF LANDS TAKEN FROM W. W. STEWART BY THE UNITED STATES

The bill (H. R. 3864) to convey certain lands taken from W. W. Stewart by the United States was considered, ordered to a third reading, read the third time, and passed.

TERMINAL LEAVE PAY FOR CERTAIN OFFICERS OF THE NAVY AND MARINE CORPS

The bill (H. R. 540) to provide terminal leave pay for certain officers of the Navy and Marine Corps, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

RELEASE OF LAND TO LOS ANGELES COUNTY

The bill (H. R. 524) to provide for the release of all the right, title, and interest of the United States in a certain portion of a tract of land conditionally granted by it to the county of Los Angeles was considered, ordered to a third reading, read the third time, and passed.

JOINT RESOLUTION PASSED OVER

The joint resolution (H. J. Res. 230) authorizing the Secretary of the Navy to construct, and the President of the United States to present to the people of St. Lawrence, Newfoundland, on behalf of the people of the United States, a hospital or dispensary for heroic services to the officers and men of the United States Navy was announced as next in order.

Mr. SCHOEPEL. Mr. President, I ask that the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

LOAN OF CERTAIN EQUIPMENT TO THE BOY SCOUTS OF AMERICA

The bill (H. R. 5342) to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment to the Boy Scouts of America for use at the Second National Jamboree of the Boy Scouts was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF OFFICER RETIREMENT BENEFITS

The bill (S. 2559) to authorize the extension of officer retirement benefits to certain persons who while serving as enlisted men in the Army of the United States during World War II were given battlefield promotions to officer grade and were incapacitated for active service as a result of enemy action was announced as next in order.

Mr. CAIN. Mr. President, I wonder if I may inquire of the junior Senator from Texas [Mr. JOHNSON] if it is not a fact that provisions in the pay bill which was passed yesterday will take care of this situation.

Mr. JOHNSON of Texas. No; I think not. Representatives of the Department of the Army came before the committee and stated that there were approximately 30 or 40 cases involved, and that the Navy had taken care of their cases, that the Marine Corps had taken care of their cases. This proposed legislation is to take care of the members of the Army and the Air Force. The boys were given spot promotions, but before the red tape was completed they were wounded, so that, instead of being retired as second lieutenants, although they were entitled to wear the insignia of second lieutenants, they had not received their formal commissions, and instead of being treated as second lieutenants they can draw only Veterans' Administration benefits.

Representatives of the Navy and of the Marine Corps came before the committee and recommended the enactment of the bill.

Mr. CAIN. I raise the question merely because I have recently had an interest in such a case as the Senator has mentioned. Several days ago the Office of the Secretary of Defense called to say that the matter would be taken care of and provided for in the pay bill which was passed yesterday. I know the Senator will be interested to determine whether that is correct.

Mr. SCHOEPPEL. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. SCHOEPPEL. Did I correctly understand the Senator to say that consideration was given to men in the Navy and Marine Corps under similar circumstances?

Mr. JOHNSON of Texas. Yes. They have already been taken care of.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill (S. 2559) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That any person who while serving on active duty as an enlisted man in the Army of the United States at any time during the period between December 7, 1941, and September 2, 1945—

(1) was appointed or recommended by his commanding officer or superior military authority for a battlefield appointment as a commissioned officer in the Army of the United States;

(2) while performing the duties of a commissioned officer, was injured in line of duty incident to combat with the enemy;

and who, subsequently to being so injured as a result of that appointment or recommendation was ordered to active duty as a commissioned officer in the Army of the United States, or the Air Force of the United States, shall, if he is found by an Army or an Air Force retiring board to be incapacitated for active service and to have sustained such incapacity as the result of the injury which was incurred by him in line of duty incident to combat with the enemy while he was performing the duties of a commissioned officer

and if the finding of the retiring board is approved by the President, be entitled to receive the same retirement benefits to which he would be entitled under the provisions of section 5 of the act of April 3, 1939, as amended, if he had been serving as a commissioned officer in the Army of the United States at the time he incurred such injury.

SEC. 2. No additional or back pay or allowances for any period prior to the date of enactment hereof shall accrue to any person solely by reason of the enactment of this act.

COUNSEL FEES AND EXPENSES IN THEODORE G. BILBO ELECTION CASE

The resolution (S. Res. 168) to pay certain counsel fees and expenses in investigating the right of Theodore G. Bilbo to a seat in the Senate for the term beginning January 3, 1947, was considered and agreed to, as follows:

Resolved, That the Committee on Rules and Administration be authorized to expend from the contingent fund of the Senate \$6,000 for the full payment of counsel fees and expenses incurred in carrying out the duties imposed upon it by subsection (O) (1) (D) of rule XXV of the Standing Rules of the Senate to consider the question whether Mr. Theodore G. Bilbo was entitled to take his seat in the Senate to which he was elected for the term beginning January 3, 1947.

CONVEYANCE OF CERTAIN LAND AND BUILDINGS TO THE STATE OF RHODE ISLAND

The Senate proceeded to consider the bill (S. 2491) providing for the conveying of land and buildings at Fort Philip Kearney Military Reservation to the State of Rhode Island, which had been reported from the Committee on Banking and Currency with an amendment.

Mr. HENDRICKSON. Mr. President, I send to the desk an amendment which I ask to have stated.

The PRESIDING OFFICER. There is a committee amendment pending. The committee amendment will be stated first.

The amendment was on page 2, line 10, after the word "all", to strike out "appurtenances" and insert "improvements", so as to make the bill read:

Be it enacted, etc., That the Housing and Home Finance Administrator is authorized and directed to convey by quitclaim deed to the Board of Trustees of State Colleges of the State of Rhode Island without consideration all right, title, and interest of the United States in and to so much of the land, constituting the site of an existing stone house and a former dock, located in the northeast corner of the former Fort Phillip Kearney Military Reservation, Narragansett, R. I., which site is generally described as follows: Lying east of a line beginning at a point in the northerly boundary of said reservation due south of the southwest corner of a tract of land presently owned by the Board of Trustees of State Colleges and extending due south for three hundred feet; and north of a line extending eastwardly from the southerly end of said three-hundred-foot line in a line parallel to the northerly boundary of said reservation for a distance of approximately six hundred and ninety feet to Narragansett Bay; together with all improvements thereon excepting therefrom the pump house and water, sewer, and electric systems, together with necessary easements therefor: *Provided,* That the Board of Trustees of State Colleges of the State of Rhode Island shall within one hundred and twenty days of the enactment of this act furnish the Public

Housing Administration with a survey satisfactory to said Administration of said land and easements.

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the amendment offered by the Senator from New Jersey.

The LEGISLATIVE CLERK. It is proposed, on page 1, line 4, to insert after the word "convey" and before the word "by" the following: "upon receipt of consideration from the Board of Trustees of the State Colleges of the State of Rhode Island equivalent to 50 percent of the appraised value of United States property herein-after described."

On page 1, line 6, it is proposed to strike out the following: "without consideration."

Mr. MAYBANK. Mr. President, may I ask the distinguished Senator from New Jersey the purpose of his amendment?

Mr. HENDRICKSON. It is to bring the matter into conformity with the rule followed all through the session to require the local agency or government which is acquiring Federal property to pay 50 percent of the appraised value.

Mr. MAYBANK. I shall not object to the amendment, but the bill was approved unanimously. The fact is that the piece of property involved is not worth very much. If we paid 50 percent of nothing, we should not have to pay very much.

Mr. President, I ask unanimous consent that the report of the committee on this bill be printed in the RECORD at this point.

There being no objection, the report (No. 1087) was ordered to be printed in the RECORD, as follows:

The Committee on Banking and Currency, to which was referred the bill (S. 2491) providing for the conveying of land and buildings at Fort Philip Kearney Military Reservation to the State of Rhode Island, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

GENERAL STATEMENT

The bill would authorize and direct the Federal Housing Agency to convey, without consideration, to the Board of Trustees of State Colleges of the State of Rhode Island all right, title, and interest of the United States to the site of the stone house and former dock in the northeast corner of the former Fort Philip Kearney Military Reservation, Narragansett, R. I., together with the improvements thereon except certain utilities and easements for such utilities. The board of trustees would be required within 120 days after enactment of the bill to furnish the Public Housing Administration a satisfactory survey of the land and easements.

This land with the building on it is a small portion of the Fort Kearney Military Reservation which was transferred by the War Assets Administration to the Housing and Home Finance Administration for veterans temporary housing purposes pursuant to the title V of the Lanham Act, as amended. The transfer of the stone house (which is at present unused) together with the underlying and adjacent land described in the bill would not adversely affect the housing project since the easements for necessary utilities serving the project are reserved in the bill, or would it in any way interfere with the operation and management of the temporary housing project.

Rhode Island State Colleges is ready to carry out a number of important investigations and studies in applied fisheries in cooperation with the Fish and Wildlife Service, and oceanographic investigation and studies in cooperation with the United States Navy, and related studies and investigations of importance and value to the United States Government. To do so, however, it is necessary to have a year-round field laboratory with docking facilities, and the present laboratory adjoining the stone house and property to be transferred is only usable part of the year and has no docking facilities. The stone house would provide a permanent winter laboratory.

The land and facilities to be transferred are urgently needed because of the time required for conditioning the stone house for use as a laboratory during the forthcoming winter.

AMENDMENT

The word "appurtenances" on page 2, line 10, of the bill is amended to read "improvements," for the purpose of clarity.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey.

The amendment was agreed to.

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

FLORIDA KEYS AQUEDUCT COMMISSION

The Senate proceeded to consider the bill (S. 489) to authorize the refund to the Florida Keys Aqueduct Commission of the sum advanced for certain water facilities, and for other purposes, which had been reported from the Committee on Armed Services with amendments, on page 3, line 15, after the word "supplying", to insert "such water", and in line 19, after the word "receipts" and the period, insert "No agreement or amendment of an agreement shall be entered into by the Secretary of the Navy under the authority of this section or section 3 of this act until such time as the Secretary or a representative of the Secretary designated by him has consulted with the Armed Services Committees of the Senate and of the House of Representatives with respect to all details of such agreement or amendment of an agreement", so as to make the bill read:

Be it enacted, etc., That (a) upon such terms and conditions not inconsistent with this act as may be satisfactory to the Secretary of the Navy and to the Board of Directors of the Reconstruction Finance Corporation and to the Florida Keys Aqueduct Commission, the Secretary of the Navy is authorized to cancel the agreement entered into by the Department of the Navy on March 18, 1941, pursuant to authority contained in title III of the First Supplemental National Defense Appropriation Act, 1941 (54 Stat. 608), with the Florida Keys Aqueduct Commission, a public agency of the State of Florida (hereinafter referred to as "the commission"), for the construction, operation, and maintenance of a water-supply system and a water-distribution system to serve Federal Government and other consumers in the Florida Keys.

(b) Such cancellation shall be conditioned upon—

(1) the surrender to the Department of the Navy of all right, title, and interest, if any, of the commission in and to the water-supply system constructed or in the course of construction in accordance with such agreement and to the receipt of water under the existing provisions of such agreement;

(2) the payment by the Department of the Navy to the commission of the sum of \$1,096,392.91, which sum is the amount heretofore paid by the commission to or for the account of the Department of the Navy pursuant to such agreement; and

(3) the furnishing by the commission of satisfactory assurances that such sum will be employed by the commission to retire bonds heretofore issued by the commission under the terms of a trust indenture, dated September 1, 1941, between the commission and the First National Bank of Miami, Florida.

(c) There is hereby authorized to be appropriated to the Department of the Navy, out of any moneys in the Treasury not otherwise appropriated, not more than \$1,096,392.91 for disbursement pursuant to subsection (b) (2) of this section.

SEC. 2. Upon cancellation of such agreement of March 18, 1941, the Secretary of the Navy shall enter into an agreement which may thereafter be amended from time to time by the parties thereto, whereby the Department of the Navy will supply water from such water-supply system to the commission under such terms and conditions and for such compensation as the Secretary and the commission shall determine to be proper. Of the proceeds received for any such water so supplied, an amount representing the cost to the Government of supplying such water may be credited to the appropriation or appropriations currently available for the supply of such water and any remaining balance shall be covered into the Treasury to the credit of miscellaneous receipts. No agreement or amendment of an agreement shall be entered into by the Secretary of the Navy under the authority of this section or section 3 of this Act until such time as the Secretary or a representative of the Secretary designated by him has consulted with the Armed Services Committees of the Senate and of the House of Representatives with respect to all details of such agreement or amendment of an agreement.

SEC. 3. In order to safeguard the rights of the commission and the Reconstruction Finance Corporation pertinent to agreements heretofore made by the commission in connection with the leasing of facilities for the distribution of water or in connection with the issuance of its bonds payable from the revenues from the sale of water, the commission and the Secretary of the Navy may, in lieu of canceling the agreement of March 18, 1941, and entering into a new agreement as provided in sections (1) and (2) of this act, amend the agreement of March 18, 1941, to accomplish the purposes of this act: *Provided*, That the amended agreement shall provide for the same conditions as are imposed by clauses (1), (2), and (3) of subsection (b) of section 1. From time to time, further amendments or new agreements regarding the water supply may be made, when deemed desirable by the Secretary and the commission, and that all other provisions of this act shall be equally applicable in the event of amendment of the agreement of March 18, 1941, as in the event of its cancellation.

The amendments were agreed to.

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

CONSTRUCTION AND IMPROVEMENT OF SCHOOL BUILDINGS IN HOOPA, CALIF.

The bill (H. R. 554) to provide for the construction, extension, and improvement of school buildings in Hoopa, Calif., was considered, ordered to a third reading, read the third time, and passed.

ANTHONY CHARLES BARTLEY

The bill (H. R. 6006) for the relief of Anthony Charles Bartley was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2522) to stabilize prices of agricultural commodities, was announced as next in order.

Mr. CAPEHART. Over.

The PRESIDING OFFICER. The bill will be passed over.

RESEARCH LABORATORY FOR THE QUARTERMASTER CORPS

The Senate proceeded to consider the bill (S. 2382) to authorize the construction of a research laboratory for the Quartermaster Corps, United States Army, at a location to be selected by the Secretary of Defense, which had been reported from the Committee on Armed Services with an amendment, on page 2, line 1, after the word "site", to strike out "will" and insert "shall", so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed \$11,000,000 for the acquisition of land and for the construction thereon of a research laboratory for the Quartermaster Corps, United States Army, at a location to be selected by the Secretary of Defense, and for such utilities and appurtenances thereto as, in the judgment of the Secretary of the Army, may be necessary in connection therewith. The site shall be chosen on the basis of recommendations of an impartial ad hoc committee of experts to be appointed by the Research and Development Board.

Mr. SCHOEPEL. Mr. President, may we have a short explanation of the bill?

Mr. SALTONSTALL. Mr. President, last year there was introduced by the Senators from Pennsylvania a bill providing for the construction of a Quartermaster Corps research laboratory in Philadelphia, and a bill by the Senators from Massachusetts for a similar institution to be constructed in Massachusetts. A hearing was held by the subcommittee of the Committee on Armed Services, and the subcommittee recommended that Massachusetts be the site. The Armed Services Committee recommended that bill to the Senate, but because of objection the bill was never acted on, and died.

Obviously we will never get a quartermaster research laboratory if we cannot agree on the place where it is to be placed. This year both Senators from Pennsylvania, both Senators from Massachusetts, and both Senators from New York, agreed to introduce the measure which is now before the Senate, which will permit the site to be chosen by an expert committee in the Department of Defense. Whatever site they agree on as the proper one will be selected.

Mr. President, the pending bill is an authorization bill for the construction of a research laboratory. The appropriation will have to come at a later time. The need for such a research laboratory was obvious during the last war, and I shall not go into that unless some Senator wishes to have me do so. I hope the bill may become law.

I see the distinguished senior Senator from Pennsylvania on his feet. I assure

him, through you, Mr. President, that Massachusetts has worse weather, more variable weather, than Pennsylvania, and it is the proper place for this research laboratory. Philadelphia is not. But we shall not go into that argument further tonight.

Mr. MYERS. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield.

Mr. MYERS. I sat on the committee, and I have heard it said that Florida has better weather than California, and that California has better weather than Florida. I do not wish to debate whether Boston or Philadelphia has the worst weather, and that therefore the laboratory should be located at one or the other. The bill was reported by the Armed Services Committee unanimously, was it not?

Mr. SALTONSTALL. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

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

ADJUSTMENT OF IRRIGATION CHARGES ON FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

The bill (H. R. 4986) to amend an act entitled "An act to provide for the adjustment of irrigation charges on the Flathead Indian irrigation project, Montana, and for other purposes," approved May 25, 1948, was considered, ordered to a third reading, read the third time, and passed.

MEDICAL SERVICES TO NON-INDIANS IN INDIAN HOSPITALS

The bill (H. R. 4815) to provide for medical services to non-Indians in Indian hospitals, and for other purposes, was announced as next in order.

Mr. HUMPHREY. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HUMPHREY. Let me say that my reason for asking that the bill go over is that there is an amendment which I should like to discuss with the distinguished Senator from Montana [Mr. ECTON]. I have no basic opposition to the bill, and I am sure we can reconcile any differences there may be.

The PRESIDING OFFICER. Objection having been heard, the bill goes over.

CONCURRENT RESOLUTION PASSED OVER

The concurrent resolution (S. Con. Res. 14) to investigate matters affecting the Presidential election and succession, was announced as next in order.

Mr. WHERRY. Over.

The PRESIDING OFFICER. The concurrent resolution will be passed over.

INCREASE OF SALARIES IN DEPARTMENT OF MEDICINE AND SURGERY, VETERANS' ADMINISTRATION

The bill (H. R. 6022) to increase the rates of compensation of certain employees of the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes, was announced as next in order.

Mr. SCHOEPPPEL. Mr. President, may I ask about how many employees this bill would affect?

Mr. AIKEN. About 7,000.

Mr. SCHOEPPPEL. I have no objection.

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2584) to provide for studies of the methods of determining the amount, distribution, and effects of illness in the United States and for conducting periodic inventories of illness by the best methods developed through such studies, was announced as next in order.

Mr. WHERRY. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HILL. Was there objection to Senate bill 2584?

The PRESIDING OFFICER. There was a request that the bill go over.

Mr. HILL. Let me ask who requested that it go over.

Mr. WHERRY. I have been asked by a Senator to have it go over until he could be on the floor. He is not here at the present time.

Mr. HILL. I am sure that when the Senator comes there will be no objection. I wonder if I might ask that the bill go to the foot of the calendar.

Mr. WHERRY. That will be all right.

Mr. HILL. I make that request.

The PRESIDING OFFICER. Without objection, the order will be changed, and the bill will go to the foot of the calendar.

TRAINING AND RESEARCH, DEPARTMENT OF MEDICINE AND SURGERY, VETERANS' ADMINISTRATION

The Senate proceeded to consider the bill (S. 2541) to amend the act entitled "An act to establish a Department of Medicine and Surgery in the Veterans' Administration," approved January 3, 1946, as amended, to extend the period for which employees may be detailed for training and research, and for other purposes, which was read, as follows:

Be it enacted, etc., That section 13 (b) (1) of the act of January 3, 1946, as amended (59 Stat. 678; 38 U. S. C. 151), is amended to read as follows:

"(b) (1) The Administrator is authorized to place in schools of the Army, Navy, and Public Health Service, and in civil institutions of learning, with the consent of the authorities concerned, full-time professional, technical, and medical administrative employees of outstanding ability employed in the Department of Medicine and Surgery, other than temporary employees appointed under section 14 (a) of this act, on duty for a period not to exceed 280 days in a year, for the purpose of increasing their professional knowledge or technical training in fields of medical education, research and related sciences, and occupations or their proficiency in medical administrative techniques and which will materially contribute to the medical care and treatment of veterans and the more effective functioning of the Department of Medicine and Surgery: *Provided*, That the number of any one class of employees placed upon such duty at any one time shall not exceed 5 percent of full-time personnel of such class employed in the Department: *And provided further*, That no full-time employee with less than 2 years of experience in the service of the Veterans' Administration shall

be placed upon such duty for a full academic year or the equivalent thereof."

Mr. SCHOEPPPEL. Mr. President, may we have an explanation of the bill? As I understand, it extends the period of training, and is a basic change from the present act.

Mr. HUMPHREY. Mr. President, I know the distinguished senior Senator from Florida intended to be present and to reply to any question which might be asked regarding this bill. The basic object of the bill is to provide sufficient time for members of the medical staff who may be designated by the Veterans' Administration to take a course of training. The present law limits the training to 30 days, and I think the pending bill would give them 8 or 9 months, so that if they were sent to the National Cancer Institute or to the heart training school they would have a full year to get the full course of specialized training.

Mr. SCHOEPPPEL. Mr. President, if my memory is correct, the bill would lengthen the period from 90 days to 280 days.

Mr. HUMPHREY. That is correct.

Mr. SCHOEPPPEL. Can the distinguished Senator from Minnesota tell me what provision, if any, is made in the event those participating might leave the service within the 280 days, or might leave this type of activity? Will the Government be reimbursed, or is any condition attached?

Mr. HUMPHREY. I must refer that particular question to the distinguished Senator from Florida. The designation would be by administrative order, and I imagine that the conditions which would prevail would be that a person in an assignment would be under obligation to complete the assignment, and also have a period of time in the service following it. I think such a provision is in the bill. The Senator from Florida, who is now present, was in charge of the bill, and I was merely filling in until he could reach the floor.

Mr. SCHOEPPPEL. I might ask the Senator from Florida whether the persons assigned to the training would be required to remain in the service.

Mr. PEPPER. Oh, yes; indeed. The bill would affect personnel already in the service, and it would merely allow them to be detailed to places where they can get better training, so that they can become more competent to discharge their duties. It does not provide for any expense or any outlay, but merely authorizes the assignment of such persons to institutions where they can get the proper instruction to make them more competent. The bill was unanimously reported by the Committee on Labor and Public Welfare, and I hope the bill will be passed.

The PRESIDING OFFICER. 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.

BILL PASSED OVER

The bill (S. 2197) to amend the Export-Import Bank Act of 1945 as amended (59 Stat. 526, 666, 61 Stat. 130) to

vest in the Export-Import Bank of Washington the power to guarantee United States investments abroad was announced as next in order.

Mr. SCHOEPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MAYBANK. Mr. President, may I ask that the bill be placed at the foot of the calendar and be taken up later?

Mr. CAPEHART. What does the Senator mean by having the bill placed at the foot of the calendar? Does he mean that it is to be taken up again today?

Mr. MAYBANK. Yes; I should like to have it taken up again today.

Mr. CAPEHART. I object to that.

The PRESIDING OFFICER. On objection, the bill will be passed over.

RESEARCH AND TRAINING IN RHEUMATISM AND ARTHRITIS, ETC.

The bill (S. 2591) to amend the Public Health Service Act to support research and training in rheumatism and arthritis, multiple sclerosis, cerebral palsy, epilepsy, and blindness, and other diseases, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Mr. President, reserving the right to object, I wonder if the distinguished Senator from Florida [Mr. PEPPER] would give us an estimate of the cost of the bill?

Mr. PEPPER. Mr. President, of course it would be the amount the Congress might appropriate. There is no amount provided for in the authorization. But it is like the other institutions in the National Institute of Health in that respect. At the present time we have institutes with respect to cancer research, heart research, dental research, and in certain general fields of research. The bill proposes to add two separate additional institutions, one, to deal with arthritis, rheumatism, and diseases of that character, and metabolic diseases, and, two, to deal with what are called neurological diseases, that is, cerebral palsy, epilepsy, and multiple sclerosis. The able Senator from New Hampshire [Mr. TOBEY] was one of the authors of the bill providing for metabolic research. We took several bills and put them together and contemplated that the general research in the general neurological field would be carried on in this particular institute.

I should like Senators to understand that probably the net effect would be to add only one new institute to the institutes of health that now exist, because the Surgeon General, Dr. Scheele, appeared before the committee and explained that he would eliminate one of the institutes that now is dealing with biological diseases, and carry on that research in the future under this first institute which deals with rheumatism and arthritis and metabolic diseases.

I will say to the able Senator from New Jersey that this is a field wherein very little, if anything, has been done in the past, where research is very fruitful and very much needed, and it will be up to the applicants for funds to justify to the Appropriations Committees of the Senate and House, and, of course, to the Bureau of the Budget, the appropriations they request in the future.

Mr. HENDRICKSON. I thank the Senator from Florida.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2591) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the purpose of this act is to improve the health of the people of the United States through the conduct of researches, investigations, experiments, and demonstrations relating to the cause, prevention, and methods of diagnosis and treatment of arthritis and rheumatism, multiple sclerosis, cerebral palsy, epilepsy and blindness, and other diseases; assist and foster such researches and other activities by public and private agencies, and promote the coordination of all such researches and activities and the useful application of their results; provide training in matters relating to such diseases; and develop and assist States and other agencies in the use of the most effective methods of prevention, diagnosis, and treatment of such diseases.

ESTABLISHMENT OF ADDITIONAL INSTITUTES

SEC. 2. (a) The heading of title IV of the Public Health Service Act (42 U. S. C., ch. 6A) is amended to read "Title IV—National Research Institutes."

(b) Title IV of such act is further amended by adding immediately after part C the following new part:

"PART D—NATIONAL INSTITUTE ON ARTHRITIS, RHEUMATISM, AND METABOLIC DISEASES, NATIONAL INSTITUTE ON NEUROLOGICAL DISEASES AND BLINDNESS, AND OTHER INSTITUTES

"SEC. 431. (a) The Surgeon General shall establish in the Public Health Service an institute for research on arthritis, rheumatism, and metabolic diseases, and an institute for research on neurological diseases (including epilepsy, cerebral palsy, and multiple sclerosis) and blindness, and he shall also establish a national advisory council for each such institute to advise, consult with, and make recommendations to him with respect to the activities of the institute with which each council is concerned.

"(b) The Surgeon General is authorized with the approval of the Administrator to establish in the Public Health Service one or more additional institutes to conduct and support scientific research and professional training relating to the cause, prevention, and methods of diagnosis and treatment of other particular diseases or groups of diseases whenever the Surgeon General determines that such action is necessary to effectuate fully the purposes of section 301 with respect to such disease or diseases. Any institute established pursuant to this subsection may in like manner be abolished and its functions transferred elsewhere in the Public Health Service upon a finding by the Surgeon General that a separate institute is no longer required for such purposes. In lieu of the establishment pursuant to this subsection of an additional institute with respect to any disease or diseases, the Surgeon General may expand the functions of any institute established under subsection (a) of this section or under any other provision of this act so as to include functions with respect to such disease or diseases and to terminate such expansion and transfer the functions given such institute elsewhere in the Service upon a finding by the Surgeon General that such expansion is no longer necessary. In the case of any such expansion of an existing institute, the Surgeon General may change the title thereof so as to reflect its new functions.

"ESTABLISHMENT OF NATIONAL ADVISORY COUNCILS

"SEC. 432. (a) The Surgeon General is also authorized with the approval of the Administrator to establish additional national advisory councils to advise, consult with, and make recommendations to the Surgeon General on matters relating to the activities of any institute established under subsection (b) of section 431, or relating to the conduct and support of research and training in such disease or group of diseases (except a disease or group of diseases for which an institute is established under any provision of this title other than section 431 (b)) as he may designate. Any such council, and each of the two councils established under section 431 (a), shall consist of the Surgeon General, who shall be chairman, the chief medical officer of the Veterans' Administration or his representative and a medical officer designated by the Secretary of Defense, who shall be ex officio members, and of 12 members appointed without regard to the civil-service laws by the Surgeon General with the approval of the Administrator. The 12 appointed members shall be leaders in the field of fundamental sciences, medical sciences, education, or public affairs, and six of such twelve shall be selected from leading medical or scientific authorities who are outstanding in the study, diagnosis, or treatment of the disease or diseases to which the activities of the institute are directed. Each appointed member of the council shall hold office for a term of 4 years except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term and except that, of the members first appointed, three shall hold office for a term of 3 years, three shall hold office for a term of 2 years, and three shall hold office for a term of 1 year, as designated by the Surgeon General at the time of appointment. None of such 12 members shall be eligible for reappointment until a year has elapsed since the end of his preceding term.

"(b) In lieu of appointment of an additional advisory council upon the establishment pursuant to subsection (b) of section 431 of an additional institute or upon expansion pursuant to such subsection of the functions of an institute, the Surgeon General may expand the functions of an advisory council established under section 431 (a) or any other provision of this act so as to include functions with respect to the particular disease or diseases to which the activities of the additional institute or the expanded activities of the existing institute are directed. In the case of any such expansion of an existing council, the membership thereof representing persons outstanding in activities with which the council is concerned may be changed or increased so as to include some persons outstanding in the new activities. Any new council established under subsection (a) of this section or any expansion of an existing council under this subsection may be terminated by the Surgeon General at, before, or after the termination of the new institute or expansion of the existing institute which occasioned such new council or expansion of an existing council. In the case of any such expansion of an existing council, the Surgeon General may change the title thereof so as to reflect its new functions.

"FUNCTIONS

"SEC. 433. (a) Where an institute has been established under this part, the Surgeon General shall carry out the purposes of section 301 with respect to the conduct and support of research relating to the disease or diseases to which the activities of the institute are directed (including grants-in-aid for drawing plans, erection of buildings, and acquisition of land therefor), through such institute and in cooperation with the national advisory council established or expanded by

reason of the establishment of such institute. In addition, the Surgeon General is authorized to provide training and instruction and establish and maintain traineeships and fellowships, in such institute and elsewhere, in matters relating to the diagnosis, prevention, and treatment of such disease or diseases with such stipends and allowances (including travel and subsistence expenses) for trainees and fellows as he may deem necessary, and, in addition, provide for such training, instruction, and traineeships and for such fellowships through grants to public and other nonprofit institutions. The provisions of this subsection shall also be applicable to any institute established by any other provision of this act to the extent that such institute does not already have the authority conferred by this subsection.

"(b) Upon the appointment of a national advisory council for an institute established under this part or the expansion of an institute pursuant to this part, the duties, functions, and powers of the National Advisory Health Council with respect to grants-in-aid for research and training projects relating to the disease or diseases to which the activities of the institute are directed, shall terminate."

NATIONAL ADVISORY COUNCILS

SEC. 3. (a) Effective January 1, 1950, section 217 (a) of the Public Health Service Act is amended to read as follows:

"(a) The National Advisory Health Council, the National Advisory Cancer Council, the National Advisory Mental Health Council, the National Advisory Heart Council, and the National Advisory Dental Research Council shall each consist of the Surgeon General, who shall be chairman, the chief medical officer of the Veterans' Administration or his representative and a medical officer designated by the Secretary of Defense, who shall be ex officio members; and 12 members appointed without regard to the civil-service laws by the Surgeon General with the approval of the Administrator. The 12 appointed members of each such council shall be leaders in the fields of fundamental sciences, medical sciences, or public affairs, and 6 of such 12 shall be selected from among leading medical or scientific authorities who, in the case of the National Advisory Health Council, are skilled in the sciences related to health, and in the case of the National Advisory Cancer Council, the National Advisory Mental Health Council, the National Advisory Heart Council, and the National Advisory Dental Research Council, are outstanding in the study, diagnosis, or treatment of cancer, psychiatric disorders, heart diseases, and dental diseases and conditions, respectively. In the case of the National Advisory Dental Research Council, four of such six shall be dentists. Each appointed member of each such council shall hold office for a term of 4 years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of the members first taking office after January 1, 1950, shall expire as follows: Three shall expire 4 years after such date, three shall expire 3 years after such date, three shall expire 2 years after such date, and three shall expire 1 year after such date, designated by the Surgeon General at the time of appointment. None of the appointed members shall be eligible for reappointment within 1 year after the end of his preceding term, but terms expiring prior to January 1, 1950, shall not be deemed 'preceding terms' for the purposes of this sentence."

(b) Subsection (b) of such section is amended to read as follows:

"(b) The National Advisory Health Council shall advise, consult with, and make recommendations to, the Surgeon General on matters relating to health activities and

functions of the Service. The Surgeon General is authorized to utilize the services of any member or members of the Council, and where appropriate, any member or members of the national advisory councils established under this act on cancer, mental health, heart, dental, rheumatism, arthritis, and metabolic diseases, neurological diseases and blindness, and other diseases, in connection with matters related to the work of the Service, for such periods, in addition to conference periods, as he may determine."

(c) Effective January 1, 1950, subsections (c), (d), (f), and (g) of such section are repealed, and subsection (e) of such section is redesignated subsection "(c)". Terms of office as members of national advisory councils pursuant to such section subsisting on December 31, 1949, shall expire at the close of business on such day.

(d) The heading of such section is amended to read as follows: "National Advisory Councils".

(e) Subsection (e) of section 208 of such act is amended to read as follows:

"(e) Members of the National Advisory Health Council and members of other national advisory councils established under this act, other than ex officio members, while attending conferences or meetings of their respective councils or while otherwise serving at the request of the Surgeon General, shall be entitled to receive compensation at a rate to be fixed by the Administrator, but not exceeding \$50 per diem, and shall also be entitled to receive an allowance for actual and necessary traveling and subsistence expenses while so serving away from their places of residence."

GENERAL PROVISIONS

SEC. 4. (a) Section 406 of the Public Health Service Act is amended to read as follows:

"OTHER AUTHORITY"

"SEC. 406. This title shall not be construed as limiting (a) the functions or authority of the Surgeon General or the Public Health Service under any other title of this act, or of any officer or agency of the United States, relating to the study of the prevention, diagnosis, and treatment of any disease or diseases for which a separate institute is established under this act; or (b) the expenditure of money therefor."

(b) Section 208 of such act is amended by adding at the end thereof the following new subsection:

"(1) The Administrator is authorized to establish and fix the compensation for, within the Public Health Service, not more than 30 positions, in the professional and scientific service, each such position being established to effectuate those research and development activities of the Public Health Service which require the services of specially qualified scientific or professional personnel: *Provided*, That the rates of compensation for positions established pursuant to the provisions of this subsection shall not be more than \$15,000 per annum, and shall be subject to the approval of the Civil Service Commission. Positions created pursuant to this subsection shall be included in the classified civil service of the United States, but appointments to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications, by the Civil Service Commission or such officers or agents as it may designate for this purpose."

(c) Sections 415, 425, and 426 of the Public Health Service Act are hereby repealed.

The PRESIDING OFFICER. The Senator from New Hampshire rose a moment ago. Did he desire recognition?

MR. TOBEY. Mr. President, I had intended to speak before the bill was passed. I will now say just a few words, though that may be anticlimactic. To my colleagues on the other side of the

aisle I call attention to the statement of one of the great leaders of our party that it should be the aim of our country to bring about a better and improved human society, rather than merely a great economic system; that we should aim for increased production and greater efficiency, but to the end that we may have a happier home life in America.

Mr. President, into my home some years ago there came a blow. A beloved daughter of mine was stricken with the hellish disease, multiple sclerosis. No one in the world knows what causes this disease. It is a most hellish disease. There are more cases of multiple sclerosis in the United States than there are cases of polio. When one is stricken with multiple sclerosis it means the wheel chair for the remainder of life, until death. It is a progressive disease. It is a subtle and a terrible disease. Those suffering from it, as I said, end up in the wheel chair and finally in death.

Mr. President, those who have seen persons suffering from this dreadful disease realize that we must do everything we can by way of research to discover treatments and cure, and to give new hope and courage to those afflicted with it.

In the hearing before the Murray subcommittee there were 68 multiple sclerosis patients in wheel chairs or on crutches. Many were spastic. Let me use the words of the late John B. Gough, who had been a drunken bum, and who, after he had been converted, when passing along the street saw another man lying drunk in the gutter, said, "There, but for the grace of God, lies John B. Gough."

Mr. President, as we sit here as Members of the Senate of the United States, I say we do not come sufficiently in touch with such things as these. I have seen many cases of multiple sclerosis. This dread disease has been in my home. We can act to do something to bring courage and faith to the sufferers from the disease. When, in the providence of God, this country has the science and the talent and the money, we would be derelict indeed in our duty if we were to be in any neglectful in doing what can be done to bring about better means of treatment and cure for those who suffer from these diseases.

Mr. President, I appear for this legislation, which has now been passed, and record my support thereof in the name of countless sufferers from multiple sclerosis, amounting to 500,000 tragic cases in the United States. For the past 3 years I have had set up in my office a research clearing house where cases and information regarding multiple sclerosis have been handled. Thousands of letters have come in asking that something be done to help these unfortunates. Something has been done and by passing the bill today we bring new hope to many, many thousands. We are doing something for suffering humanity, something far above an attempt to secure votes at election time.

Mr. President, I say that the action of the Senate in passing the bill redounds to its credit in the hearts and souls of countless Americans who have an interest in these sufferers, sufferers who,

but for the grace of God, might be you or might be me, or any one of our beloved ones. I am glad the bill has been passed.

COINAGE OF SUBSIDIARY SILVER COINS

The bill (S. 2590) to amend section 3526 of the Revised Statutes relating to coinage of subsidiary silver coins was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 3526 of the Revised Statutes, as amended (U. S. C., 1946 edition, title 31, sec. 335), is hereby further amended to read as follows:

"Sec. 3526. In order to procure bullion for the silver coinage authorized by this title, other than the silver dollar, the superintendents, with the approval of the Director of the Mint, as to price, terms, and quantity, shall purchase such bullion with the bullion fund. The gain arising from the coinage of such silver bullion into coin of a nominal value exceeding the cost thereof shall be credited to a special fund denominated the silver-profit fund. This fund shall be charged with the wastage incurred in such coinage, with the recoining loss on silver coins recoined pursuant to section 9 of the act approved March 14, 1900, chapter 41 (31 Stat. 48), as amended (U. S. C., 1946 edition, title 31, sec. 320), and with the cost of distributing silver coins. The balance remaining to the credit of this fund shall be from time to time, and at least twice a year, covered into the Treasury of the United States."

INCREASE IN COMPENSATION FOR WORLD WAR I PRESUMPTIVE SERVICE-CONNECTED CASES

The bill (R. R. 5598) to increase compensation for World War I presumptive service-connected cases, provide minimum ratings for service-connected arrested tuberculosis, increase certain disability and death compensation rates, liberalize requirement for dependency allowances, and redefine the terms "line of duty" and "willful misconduct," was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, reserving the right to object, I wish to say that the remainder of the bills on the calendar came in late, without committee reports. I do not think there has been ample time to study any of them. I feel inclined to object, unless Senators sponsoring the bills will make thoroughgoing explanations.

Mr. GEORGE. Did I understand the Senator to object to House bill 5598?

Mr. HENDRICKSON. Yes; I said I was inclined to object unless Senators who were sponsoring the bill would make a thoroughgoing explanation, because the bill and the remaining bills came late and were without reports, so we have not had time to make an ample study of any of them.

Mr. GEORGE. Mr. President, I very much hope that we may consider the bill. Let me make a statement respecting it. The House has passed two general veterans bills at this session. One is a very ambitious bill covering the whole of the armed services, veterans of both wars. This bill is, however, a bill which deals with existing compensable cases, and it merely provides certain increases.

Mr. HENDRICKSON. Mr. President, I withhold any objection to this bill.

Mr. GEORGE. Mr. President, the bill does certain things, and I think the Senate would like to understand what they are. There is one expensive provision in the bill, but it is a provision which gives to the widows and to the children of deceased veterans certain increases in their present allowances. For instance, under present law a widow without a child receives \$75. Under present law a widow with one child received \$100, with \$15 additional for each child. The bill changes that by giving to the widow with one child \$105 per month, with \$25 for each additional child. That is, it increases the allowance to the widow by \$5 a month, and increases the allowance for additional children by \$10, from \$15 to \$25. It does not increase the pension of a total orphan, because in the bill last year we fixed that compensation rather liberally. It does not increase any of the other benefits payable to widows and children of veterans of the several wars. The total cost of that item runs rather high. Nevertheless, in the light of advancing living costs, it was deemed by the committee advisable to make that change.

Another provision in the bill gives to veterans with presumptively service-connected disabilities, and who now receive 75 percent of the compensation which they would receive if they had been able to establish their service-connected disabilities without the use of the presumption, 100 percent instead of 75 percent. The committee and the House agreed on the point that there was no good reason in morals why a veteran who could establish his disability only by resort to presumption under the law of the land should not receive 100 percent for the degree of disability as rated by the Veterans' Administration.

It will be remembered that the old Economy Act eliminated, in the first instance, nearly all the compensation payable to veterans. That compensation has been restored, with this single exception. When the restoration was made we saw fit to say that the presumptively service-connected disability cases should receive 75 percent of the amount which they would receive if the service-connected feature of the disabilities were established other than by the presumption. They had actual disability. They were frequently unable, because of the absence of records in World War I, to establish by positive proof the service connection with their disability, but the Congress itself gave to the veteran a presumption, in certain extremely dangerous illnesses and disabilities, and the Veterans' Administration recognized that in its regulations. So this bill does not add anyone to the rolls, but it gives to the veteran whose disability is presumptively service-connected about \$12 a month more for total disability. It increases his allowance from 75 percent to 100 percent of the disability allowance which he would draw; and so on, through the scale.

The bill also increases by about 8.7 percent the compensation now payable to veterans, from the basic 10-percent rating which entitles a veteran to compensation up to total disability. For ex-

ample, a veteran whose disability is rated at 10 percent now draws compensation of \$13.80 a month. The bill would increase it to \$15. Under existing law one who is rated 20 percent disabled draws compensation of \$27.60. The bill would increase it to \$30; and so on up to total disability. One who is rated totally disabled now draws \$138 a month. The bill would increase his compensation to \$150. There is an average increase of about 8.7 percent.

All the veterans' organizations without exception have endorsed the bill. I should be perfectly fair and say that they insisted on a greater increase, but they have all endorsed the bill. The Senate committee did not see fit to change the bill, but adopted it as the House approved it.

There are some other changes in existing law made by the bill, but I have called attention to the principal changes. I now call attention to one last change in existing law. It would not add greatly to the expense.

Under existing law if a veteran who is confined under a court-martial sentence or under the order of a civil court is killed or injured, he is denied compensation, because under paragraph 8 of Veterans Regulation No. 10 it is provided that the injury or disease incurred during military or naval service will be deemed to have been incurred in line of duty, and not the result of the veteran's own misconduct, except in certain instances. Among those instances is the case which I have last stated, in which the veteran, at the time of his injury or death, was confined under a court-martial sentence or under the order of a civil court.

The committee heard evidence on this question, and we had some very deplorable examples presented to us. In one case a veteran was incarcerated in the barracks for a very minor offense. The guard suddenly went off balance and beat up the veteran, and finally killed him. His dependents were denied compensation because it was said that he was under sentence of a court martial, and therefore could not receive it.

What the committee has done is to provide that if the injury is received, or death results while he is confined under a court-martial sentence which does not carry with it dismissal from the service or dishonorable discharge, and if the injury or death results while he is serving a civil sentence for a mere misdemeanor not reaching the grade of felony under the law of the jurisdiction which imposed the sentence, he shall be entitled to receive compensation.

We have tried to preserve, and by this bill we will preserve, the right of the veteran and his dependents to such compensation as the law allows in all cases in which he receives his injury or dies as a result of some criminal offense by another while he is serving a court-martial sentence which does not carry with it dismissal from the service or dishonorable discharge, or if he is merely serving a civil sentence, as in the case in which a veteran off duty might be arrested because he was intoxicated. It is obvious that his offense in these two classes of cases did not contribute to

his death, and it is obvious also that his death or injury was not the result of any willful misconduct on his part, in the sense that his injury or death was not the proximate result of the minor offense for which he was court martialed or for which he was arrested by civil authorities.

After careful consideration, and after rather full hearings, the Finance Committee decided to recommend to the Senate approval of the bill. So I hope that the Senate will pass it.

Mr. HENDRICKSON. Mr. President, I thank the distinguished Senator from Georgia for his very complete explanation.

The PRESIDING OFFICER. Is there objection to the present consideration of House bill 5598?

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

BILLS PASSED OVER

The bill (H. R. 1161) to provide for the conversion of national banking associations into and their merger or consolidation with State banks, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 250) to authorize the Federal Security Administration to assist the States in the development of community recreation programs for the people of the United States, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2560) to amend the Federal Credit Union Act was announced as next in order.

Mr. HENDRICKSON. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5332) to amend section 3 of the act of June 18, 1934, relating to the establishment of foreign trade zones was announced as next in order.

Mr. DONNELL. Mr. President, reserving the right to object, I desire to call attention to the fact that this bill contains a committee amendment denominated section 2, which, in my opinion, is of such far-reaching consequence as a precedent that it is unwise on the call of the calendar to take up the bill at this time with that provision in it.

The effect of section 2 of the bill was called to my attention in a telegraphic message from Mr. Howard I. Young, of St. Louis, Mo., who is president of the American Mining Congress. He did not sign the message in that capacity, but he signed it in his personal capacity. I may say I have great confidence in his judgment. He pointed out, in the course of his message to me, that, as he put it, the "rider"—

permits shipping of domestic zinc ores into foreign country, namely, Canada, for conversion into metal and then permits metal to be reshipped into United States duty-free.

He then says in his message:

This is against the interests of American industry and establishes a precedent that, in my judgment, would be very dangerous in a number of manufacturing lines other than mining and smelting.

Obviously, Mr. President, the apprehension of Mr. Young, I think, is well founded, because if this amendment were to be adopted as a precedent, even though a report of the committee disclaims it as a precedent, I take it that in fact it would become a precedent; and it would mean that Congress was establishing a principle by which raw material might be shipped out of the United States to some other country, there manufactured by the use of cheap labor, and then brought back into the United States duty free. The particular portion of the Revenue Act which is referred to in section 2 is the free list; and the effect of the bill, as I have indicated, is to place zinc metal upon the free list, although the work upon it in the smelter would be done on foreign soil.

I take it, for illustration, that in the case of textiles, if we were to adopt this precedent, it might be said by some persons, "Let us export the raw material to Quebec, where there is cheap labor, and let it be manufactured there into the finished product, and then returned to the United States duty-free."

Likewise, Mr. President, in the case of zinc ore or other ores, it would be entirely possible for them to be transported from the southwestern part of the United States, perhaps from Arizona or western Texas, into Mexico, and there smelted by the use of cheap labor, and then returned to our country duty-free, upon the free list, thus making competition with our own more highly paid labor; and it might well be impossible to meet such competition.

So, by reason of the far-reaching effect of the amendment as a precedent, although I have no objection at all to having the Senate in due time consider the question, with proper opportunity for debate, I suggest most respectfully that the bill should not be taken up on the Consent Calendar. Therefore, I object.

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

Mr. DONNELL. I withhold the objection temporarily.

Mr. GEORGE. Will the Senator permit me to say that it has been represented to me that the proponents of this amendment probably will be willing to withdraw it without prejudice, because they might subsequently consider it at the next session of Congress, at a time when there might be full opportunity to consider it.

If the distinguished Senator will permit me to do so, I should like to say in this connection that the committee itself was in some doubt about this amendment. I see now in the Chamber various members of the Finance Committee, including the distinguished Senator from Pennsylvania [Mr. MARTIN], who will agree with me, I am sure, when I say that we were in some doubt about the amend-

ment, not because in this particular case it could not be justified, but because it might become a precedent which might lead to trouble in the future.

I myself would not wish to withdraw the amendment; but if it is agreeable to the proponents of this particular amendment—and let me say it is the only amendment offered to the bill—I would gladly join in the request that the Senate disagree to the amendment; and if the amendment is removed from the bill, then the Senate could proceed to pass the bill in the same form in which it was when it was passed by the House of Representatives. I think there can be no reasonable objection to the bill as it was passed by the House of Representatives, because it contains only certain important but more or less minor amendments to the Foreign Trade Zone Act.

In this connection, I wish to say that the Senator from Nevada [Mr. McCARRAN] at first offered this amendment in behalf of himself and the junior Senator from Washington [Mr. CAIN], or perhaps both of the Senators from Washington, but certainly on behalf of the junior Senator from Washington [Mr. CAIN], whom I see now on the floor; and it was urged before the committee by the junior Senator from Washington, in the absence of the Senator from Nevada, when the amendment was actually considered by the committee.

Mr. President, I realize that perhaps the bill with this amendment ought not to be pressed upon the Senate. But if the amendment is eliminated, I hope there will be no objection to the bill as it was passed by the House of Representatives.

Mr. DONNELL. Mr. President—

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). The time of the Senator from Missouri has expired.

Mr. DONNELL. Mr. President, I should like to obtain unanimous consent to speak for an additional minute.

Mr. WHERRY. Mr. President, I ask unanimous consent that the distinguished Senator from Missouri be permitted to have 2 minutes of additional time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DONNELL. I thank the Senator.

Mr. President, I may say that I have not studied the other portion of the bill. I should not, in view of my lack of knowledge of it, interpose objection, because doubtless other Senators have studied the bill. So far as I personally am concerned, if the amendment is withdrawn, I would not object to having the Senate act upon the bill at this time.

Mr. CAIN. Mr. President, the junior Senator from Washington had originally joined with the senior Senator from Nevada [Mr. McCARRAN] in offering the amendment. Both of us are pleased that no criticism was made of the amendment. Both of us are conscious that concern is shared by some that a precedent would be established if the amendment were adopted.

The senior Senator from Nevada and I are hopeful that in due time, preferably in the early part of the next session, the subject matter of this amendment will be

reconsidered. The junior Senator from Washington has so been assured by the senior Senator from Georgia [Mr. GEORGE].

I think I can safely speak for the senior Senator from Nevada [Mr. McCARRAN], although, as all of us know, he is in Europe at this time. I think he would have me say for him, as I wish to say for myself, that as the authors of this amendment, and deep though our disappointment is that it is not to prevail now, we have no disposition of any kind to hold in jeopardy the basic legislation to which it was proposed to be attached. So, with the permission of the senior Senator from Georgia, I should like to withdraw the amendment at this time.

Mr. GEORGE. Mr. President, I have already indicated that I would have no objection to joining in such a request.

Mr. AIKEN. Mr. President, let me point out another side of the picture which has been painted by the Senator from Missouri. I come from a State where large quantities of minerals and metals are being lost every year because there is no way to recover them. In my State byproducts from mines, particularly copper mines, cannot be recovered except by the electrolytic process, and there simply is not sufficient power in the northeastern area of the United States to permit the recovery of millions of dollars' worth of metals which are going to waste each year. Certain interests have been strong enough to prevent the development of power in the northeastern United States in adequate quantities to permit the recovery of those metals.

Over the border, a few miles away in the Province of Quebec, there is available power which, if it could be used to recover these metals and minerals, would be sufficient for that purpose. But the trouble is, when the ore is sent there to be smelted, it cannot come back across the border without payment of exorbitant tariffs.

I am sorry the amendment has been withdrawn from the bill. I do not know what the rest of the bill is, but it is the amendment that appeals to me because I know it would mean so much to my own State, and so much to the country as a whole, if the metals could be saved instead of being lost. I certainly hope that in the near future the Congress will take some such action as that proposed by the amendment because I believe the strength and the security of our country depend upon using to the fullest extent our available resources instead of destroying them. But I hope even more that those who today have blocked the development of power in the northeastern section of the United States will see that the security of their country depends upon the development of power and will change their minds and help strengthen their country instead of blocking these developments.

Mr. HUMPHREY. Mr. President, I send to the desk an amendment to the bill H. R. 5332.

Mr. DONNELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Chair states there is a committee amend-

ment which has to be disposed of before the amendment will be in order.

Mr. DONNELL. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. DONNELL. Is the amendment to section 2 withdrawn?

The PRESIDING OFFICER. The amendment has not yet been acted upon by the Senate. The amendment is still in the bill.

Mr. CAIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CAIN. How may the amendment be removed from the bill?

The PRESIDING OFFICER. By the Senate disagreeing to it, if that is the wish of the Senate. Is there objection to the present consideration of the bill?

Mr. DONNELL. Mr. President, reserving the right to object, I do object, unless this amendment shall be withdrawn.

Mr. AIKEN. Mr. President, I object, anyway.

The PRESIDING OFFICER. Does the Senator object to the consideration of the bill?

Mr. AIKEN. Yes.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

IMPROVEMENTS IN CEMETERY PLOTS AT BLUE GRASS ORDNANCE DEPOT, RICHMOND, KY.

Mr. CHAPMAN. Mr. President, I ask unanimous consent for the present consideration of the Senate bill 2290.

Mr. LUCAS. Mr. President, a number of bills have now been passed to the foot of the calendar, and I think we should take up the bills in the order in which they appear upon the calendar. If we do that, we shall first return to Calendar No. 382.

Mr. PEPPER. Mr. President, I understand these were to be called up in the order in which they were originally called.

The PRESIDING OFFICER. The Chair understood the Senator from Kentucky to be making a unanimous-consent request in accordance with an understanding with the majority and minority leaders, to bring up a bill which is not yet on the calendar.

Mr. CHAPMAN. That is true.

The PRESIDING OFFICER. And which will be reported to the calendar; so it is not yet a question of returning to any bill on the calendar.

Mr. LUCAS. Very well.

The PRESIDING OFFICER. The Senator from Kentucky will complete his unanimous-consent request.

Mr. CHAPMAN. I have asked unanimous consent, Mr. President. I discussed the matter earlier in the session with both the distinguished majority leader and the distinguished minority leader, and also with the distinguished Senators from New Jersey and Kansas. It is a bill which was reported by the Committee on Armed Services at what will probably be its last meeting for the session.

During the recent war, the Government acquired some 12,000 or 14,000 acres of the best farm land in Madison County, Ky., for the establishment of the Blue Grass Ordnance Depot, which is now becoming a permanent installation of the Department of the Army. The tract of land consisted of approximately 140 farms, some of which were small farms with modest farm homes. Some of the homes were magnificent old-fashioned southern mansions. That section of Madison County was inhabited largely by people who were of the old pioneer stock. Many of those farms were occupied and operated by families whose ancestors had lived on the land since the earliest days of Kentucky. Some of them had come there as contemporaries of Daniel Boone, who built Fort Boonesborough in the county of Madison. Those people did not complain when the Government took their land and homes for military use. They were glad to send their sons to wear the country's uniform in the war. I have in mind one father and mother whose ancestors are buried in that land, who gave six sons to the World War, and whose seventh son is now a midshipman at Annapolis.

When the Army engineers took over those farms, although it was not written in the deeds of conveyance, I have personal knowledge that they agreed with the owners of the farms that, at the proper time, suitable provision would be made for reinterment in an appropriate manner of the bodies of the people who were buried in the numerous old-fashioned family burying grounds near the homes and on the farms, according to an old custom in that section of the country. As a result there were disinterred approximately a thousand white people and probably 800 or 900 colored people, who in the course of the past 150 years had been buried in the family burying grounds. They put them in two improvised and very inadequate cemeteries. The engineers wanted to carry out their promises in good faith, but when they investigated they found that they had no legal authority to provide suitable burying grounds in compliance with the Government's moral obligation.

The bill was reported by the Committee on Armed Services with the approval of the Department of the Army and the recommendation of the Bureau of the Budget, to authorize the appropriation of \$6,100 to put the cemeteries in proper condition.

The PRESIDING OFFICER. The clerk will state the bill by title.

The CHIEF CLERK. A bill (S. 2290) to authorize an appropriation for the making of necessary improvements in the cemetery plots at the Blue Grass Ordnance Depot, Richmond, Ky.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Be it enacted, etc., That the sum of \$6,100 is hereby authorized to be appropriated to be expended under the direction of the Secretary of the Army and the supervision of the

Chief of Engineers for the relocation of, and the making of necessary improvements in the cemetery plots at the Blue Grass Ordnance Depot, Richmond, Ky.

JOINT DEVELOPMENT OF HYDROELECTRIC POWER AT FALCON DAM ON THE RIO GRANDE

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to return to Calendar 978, House bill 5773. The Senator who made the objection has since agreed to withdraw it.

The PRESIDING OFFICER. The clerk will state the bill by title.

The CHIEF CLERK. A bill (H. R. 5773) to authorize the carrying out of the provisions of article 7 of the treaty of February 3, 1944, between the United States and Mexico, regarding the joint development of hydroelectric power at Falcon Dam, on the Rio Grande, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

AMENDMENT OF FOREIGN TRADE ZONE ACT

Mr. McCARTHY, Mr. HUMPHREY, Mr. MYERS, and Mr. LUCAS addressed the Chair.

The PRESIDING OFFICER. Before recognizing the Senator from Wisconsin, the Chair may say that he is informed by the Senator from Wisconsin that the objection to the last bill on the calendar has been withdrawn, and it is the intention at this time to ask unanimous consent to return to that bill.

Mr. McCARTHY. It is Order No. 1118, House bill 5332. That is my request, Mr. President.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 5332) to amend section 3 of the act of June 18, 1934, relating to the establishment of foreign-trade zones, which had been reported from the Committee on Finance, with an amendment, on page 6, after line 4, to insert a new section 2, as follows:

Sec. 2. (a) Paragraph 1615 of the Tariff Act of 1930, as amended (U. S. C., 1946 ed., title 19, sec. 1201, par. 1615), is further amended by redesignating subparagraph (h) thereof as subparagraph (i) and by inserting a new subparagraph to read as follows:

"(h) Zinc in blocks, pigs, or slabs, when entered, or withdrawn from warehouse, for consumption by or for the account of a person who within 60 days before such entry or withdrawal has exported to any foreign country, without remission or refund of duty and without benefit of draw-back, zinc-bearing concentrates produced in the United States: *Provided*, That the total weight of all entries and withdrawals under this subparagraph of zinc by any person shall not exceed at any time 85 percent of the weight of the zinc content of concentrates exported by him within the specified 60-day period."

(b) This section shall be effective as to such merchandise entered, or withdrawn from warehouse, for consumption on or after the thirty-first day following the date of its enactment.

The amendment was rejected.

Mr. WHERRY. Mr. President, is that the amendment we were to disagree to?

The PRESIDING OFFICER. That is correct.

Mr. WHERRY. And the amendment has now been disagreed to?

The PRESIDING OFFICER. That is correct.

Mr. HUMPHREY. Mr. President, may I call up my amendment?

Mr. CAIN. Mr. President, I should like to send to the desk another amendment to the bill, which has been discussed with the senior Senator from Georgia, and which I think is acceptable to him.

The PRESIDING OFFICER. The Chair wishes to say the Senator from Minnesota [Mr. HUMPHREY] had previously sent to the desk an amendment, which had been held pending disposition of the committee amendment.

Mr. CAIN. I beg the Chair's pardon. I thought the amendment was to another bill.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, before the amendment is read, may I say it is presented in behalf of the Senator from Wisconsin [Mr. McCARTHY], the Senator from Nebraska [Mr. WHERRY], and myself. It has been discussed with the distinguished chairman of the Finance Committee, and, as I understand, the chairman of the committee said he would take it to conference with his approval and with his help.

Mr. DONNELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The clerk will first state the amendment.

Mr. DONNELL. Mr. President, may I ask what the Senate is now considering?

The PRESIDING OFFICER. House bill 5332, the last bill on the calendar. It is being considered now without the amendment to which the Senator from Missouri objected.

Mr. DONNELL. Without the amendment?

The PRESIDING OFFICER. That is correct.

Mr. DONNELL. Mr. President, another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DONNELL. Am I correct in understanding that the amendment, that is to say, to section 2 of the bill H. R. 5332, has been rejected?

The PRESIDING OFFICER. The Senator is correct, and now an amendment has been proposed by the Senator from Minnesota [Mr. HUMPHREY] on behalf of himself, the Senator from Nebraska [Mr. WHERRY], and the Senator from Wisconsin [Mr. McCARTHY]. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed on page 6, following line 6, to add a new section, as follows:

Sec. 4. Paragraph 1519 of the Tariff Act of 1930, as amended, is hereby amended by adding at the end thereof a new subparagraph to read as follows:

"G. The President shall establish such regulations on the importation of furs and fur articles as are determined necessary by the Tariff Commission to prevent serious injury to the domestic fur-producing industry."

The PRESIDING OFFICER. Is there objection?

Mr. MAYBANK. Mr. President, I object for the reason that I do not think such an amendment should be attached to the bill at this late hour. There were objections to the consideration of Order No. 1111, Senate bill 2197. I ask the distinguished majority leader if he can bring up the point-4 program at this time. If he does not want to bring it up, I shall object to any bill brought up out of order.

The PRESIDING OFFICER. The Chair was in error in asking if there were objection. The Chair should have put the question on the amendment.

The question is on agreeing to the amendment offered by the Senator from Minnesota.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Washington [Mr. CAIN].

The LEGISLATIVE CLERK. It is proposed to amend paragraph 1803 of the Tariff Act of 1930, as amended, by adding at the end thereof the following new subparagraph:

(3) Evergreen Christmas trees.

This section shall be effective as to articles entered for consumption or withdrawn from warehouses for consumption on or after the first day of the first month which begins more than 10 days after the date of enactment of this act.

Mr. LUCAS. Mr. President, do I correctly understand that the Senator from Washington has talked with the Senator from Georgia [Mr. GEORGE] with reference to this amendment?

Mr. CAIN. I have, and the Senator from Georgia has agreed to accept this amendment, partly for the reason that in the form of a bill it was passed by the House in the last session of Congress, and partly because the Treasury Department approves the removal of the import duty.

Mr. LUCAS. Did the Senator from Georgia agree to accept the amendment?

Mr. CAIN. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend section 3 of the act of June 18, 1934, relating to the establishment of foreign-trade zones, to encourage the development of new domestic sources of zinc ores, and for other purposes."

Mr. DONNELL. Mr. President, there was much confusion a few moments ago when the quick action was taken. I do not mean that in any unpleasant sense; perhaps I was slow, but I want to understand what was done. Am I correct in understanding that section 2 of House bill 5332, namely, the committee amendment, has been withdrawn and an amendment has been proposed by the Senator from Washington, which has

been adopted, and that the amendment with respect to Christmas trees is included?

The PRESIDING OFFICER. The Chair will state that section 2, or the committee amendment, was rejected by the Senate. Then the amendment offered by the Senator from Minnesota, the Senator from Nebraska, and the Senator from Wisconsin, was adopted by the Senate.

Mr. DONNELL. The one relating to furs?

The PRESIDING OFFICER. Yes. Then an amendment offered by the Senator from Washington [Mr. CAIN] was adopted by the Senate. Then the bill, as amended, was passed.

GUARANTY OF AMERICAN INVESTMENTS IN FOREIGN COUNTRIES

Mr. MAYBANK. Mr. President—

The PRESIDING OFFICER. The Senate will now return to the bills which have been passed to the foot of the calendar. The clerk advises the Chair that he has the bills in order, and, if it is agreeable to the Senate, they will be reported in order.

Mr. MAYBANK. Mr. President, the so-called point-4 bill has been mentioned. It is not my intention, as the author of the bill, to call it up this evening, but I wanted to ask the distinguished majority leader if he would attempt, after the pay bills have been considered and passed in the next few days, to bring up that very important bill in which the President of the United States, business people, and others are interested.

Mr. LUCAS. In reply to the inquiry of the Senator, I will say that we shall, without doubt, bring up the bill known as the point-4 bill, reported unanimously by the Committee on Banking and Currency, for the consideration of the Senate.

Mr. CAPEHART. Mr. President, I should like to say a word with regard to Senate bill 2197. That bill, in my opinion, is poorly drawn. The bill does not provide what the committee report states is its purpose. I should like to invite the attention of the Senate to page 2 of the bill and to the words "to guarantee United States private capital invested in productive enterprises abroad which contribute to economic development in foreign countries against risks peculiar to such investments."

Mr. President, that could mean anything. The author of the bill maintains that it means only to guarantee the convertibility of currency. If that is what the author of the bill means, let him say so.

Mr. MAYBANK. Mr. President, the clerk of the committee sent to every member of the committee a copy of the full hearings and asked him to read them. We held a meeting and the bill was unanimously reported.

Mr. CAPEHART. I was not a member of the subcommittee.

Mr. MAYBANK. The hearings were held by the full committee, and the Government officials, bankers, and businessmen were heard.

Mr. CAPEHART. Mr. President, I am opposed to the bill. It is dangerous. It

is badly worded, and I shall fight it, and shall be ready to do so at any time the majority leader wishes to bring it up.

I did not particularly like the attitude of the chairman of the Banking and Currency Committee when he stood on the floor a moment ago and said he would object to the consideration of every bill, unless this bill were passed.

Mr. MAYBANK. I beg the Senator's pardon—

Mr. CAPEHART. I apologize to the able Senator from South Carolina, if I have misquoted him.

Mr. MAYBANK. I never said such a thing as that which the Senator from Indiana attributes to me. I have objected to the consideration of no bill today. I objected to one amendment, because the distinguished Senator from Georgia [Mr. GEORGE] was not present, but when I found out that he was in agreement with the amendment suggested by the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Washington [Mr. CAIN] I withdrew my objection.

Mr. CAPEHART. Mr. President, the able Senator stated on the floor of the Senate—I heard him—that he would object to taking up the amendment, section 2, because Order No. 1111, Senate bill 2197, had been objected to. Then the able Presiding Officer put the question on the amendment, and it was rejected. I stand on my ground that that is what happened.

Mr. MAYBANK. If the Senator will further yield—

Mr. CAPEHART. I do not like the idea, when a Senator seriously and sincerely objects to a bill of some other Senator saying, "Well, if you are going to object to that, I shall object to something else." I am sincere when I say that the bill I am discussing is one which should be considered. It should be debated, because when this Nation starts guaranteeing foreign investments—and that is what the bill does, that is what it says, though perhaps its sponsors do not mean that—when this Nation starts guaranteeing private investments in foreign countries, I say that the United States Senate should take a good look at the measure, that it should be debated, and that we should know what we are doing before we enact such a law.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. MAYBANK. Mr. President, I appreciate very much what the Senator from Indiana has said about the importance of understanding fully what we may do in connection with any matter relating to what he refers to as guaranteeing foreign investments. The distinguished majority leader rose on the floor and suggested to the Acting President of the Senate that the bills which had been passed over and were at the foot of the calendar be taken up in their order. It was then that I rose and objected to the amendment on a bill because it was not in order. I said I objected until I could make the statement I made about Senate bill 2197. It was only after the Senator from Illinois, the majority leader, had stated that we

would take the bills up in the order in which they had been placed at the foot of the calendar. I made the statement not as an objection to any bill. I did not object to any bill. I made the statement that I did not intend to ask the Senate to bring up Senate bill 2197 tonight, and when I objected to the amendment, I only objected to it because the Senator from Illinois, the majority leader, had first suggested that bills be brought up in the order in which they had been placed at the foot of the calendar. It was then that the Senator from Kentucky came in and said he had a bill referring to lands in Kentucky which had not been objected to, which was agreed upon by the majority and minority leaders. I certainly never said that I intended to object to all bills and all amendments unless some bill which was unanimously reported from the Committee on Banking and Currency was considered tonight. I am in agreement with the Senator from Indiana, as I told him a short while ago, that we would not bring the bill up tonight, but that we intended to bring the bill up at a later date.

I hope the RECORD will be clear that the Senator from Illinois suggested that the bills at the foot of the calendar would be taken up in their order. It was then that I rose only on an amendment. I am certain that the Presiding Officer does not suggest that I was out of order.

Mr. CAPEHART. Mr. President, I certainly wish to withdraw any statement I made if it in any way offends the Senator from South Carolina.

Mr. MAYBANK. I appreciate that, because I have great respect for the Senator from Indiana. When I rose it was because the Senator from Illinois had made his suggestion.

CARL PIOWATY AND W. J. PIOWATY

The PRESIDING OFFICER. The clerk will state by title the first bill passed over.

The LEGISLATIVE CLERK. A bill (S. 478) for the relief of Carl Piowaty and W. J. Piowaty.

Mr. SCHOEPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. PEPPER subsequently said: Mr. President, I wish to inquire whether there could be any mistake about Order of Business 382, Senate bill 478. I have been told it was passed over.

The PRESIDING OFFICER. Calendar 382, Senate bill 478, was passed over.

Mr. PEPPER. I thought there might have been a mistake in that. I ask unanimous consent that the bill be called again, so that there may be a correction of any possible mistake, if there was no objection.

Mr. SCHOEPEL. Mr. President, objection was made. I lodged the objection pursuant to a request.

Mr. PEPPER. I thank the Senator. I did not understand that there was objection to the bill. That is why I was a little surprised, because I thought some Senators who previously had considered an objection were not pressing it, and I thought perhaps the bill might have been passed.

VIKTOR A. KRAVCHENKO

The PRESIDING OFFICER. The clerk will state the next bill passed over.

The LEGISLATIVE CLERK. A bill (S. 1915) for the relief of Viktor A. Kravchenko.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

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

Be it enacted, etc., That the Attorney General is directed to record the admission to the United States on August 18, 1943, at Niagara Falls, N. Y., of the alien Viktor A. Kravchenko, as a lawful admission for permanent residence. In the administration of the immigration laws, the said Viktor A. Kravchenko shall not be regarded as having been at any time prior to the enactment of this act a person within the provisions of the act of October 16, 1918, as amended (U. S. C., 1940 ed., title 8, sec. 137), or those parts of sections 9 and 19 (a) of the act of February 5, 1917, as amended (U. S. C., 1940 ed., title 8, secs. 136 and 155 (a)), which relate to aliens who advocate or teach the unlawful destruction of property or anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials, or similar classes, and he may be naturalized, if otherwise eligible, regardless of the provisions of section 305 of the Nationality Act of 1940, as amended (U. S. C., 1940 ed., title 8, sec. 705).

SEC. 2. Upon the enactment of this act, the Secretary of State shall reduce by one number the quota of the alien's nationality for the fiscal year then current or next following.

RE STOCKING AND CONSERVATION OF GAME IN EGLIN FIELD RESERVE

The PRESIDING OFFICER. The clerk will state by title the next bill passed over.

The LEGISLATIVE CLERK. A bill (H. R. 2418) to authorize restocking, propagation, and conservation of game in Eglin Field Reserve.

Mr. HOLLAND. Mr. President, when this bill was reached earlier in the afternoon the Senator from Kansas [Mr. SCHOEPPPEL] objected. Since that time he has shown me an amendment in the nature of a substitute bill which is perfectly all right, and which both my colleague and I will gladly accept in lieu of the House bill which was pending.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause and to insert:

That the Secretary of the Air Force is hereby authorized and directed to carry out a program of planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in the Eglin Field reservation in cooperation with the Secretary of the Interior through the Fish and Wildlife Service. The Secretary of the Air Force is hereby authorized and directed to adopt suitable regulations for such conservation and rehabilitation in accordance with a general plan agreed upon between the Secretary of the Air Force and the Secretary of the Interior including provisions for the

restocking, propagation and conservation of game and fish in said reservation. Such regulations shall provide for the issuance of hunting and fishing permits to individuals and shall require the payment of a nominal fee thereof, which fees shall be utilized for restocking, propagation, and other related wildlife activities in said reservation. Such regulations shall not be inconsistent with, insofar as possible, the law and regulations of the State of Florida relating to hunting and fishing.

SEC. 2. That the Secretary of the Air Force is hereby authorized and directed to expend a sum equal to all sums heretofore or hereafter accumulated by the Air Force from money collected through the sale of game permits in the Eglin Field Reservation prior to and after the adoption of the program authorized by this act for the purposes of said program. Proper accounting of funds thus expended shall be made at the direction of the Secretary.

SEC. 3. That the Department of the Air Force is held free from any liability to pay into the Treasury of the United States upon the operation of said program authorized by this act any funds which may have been or hereafter be expended by the United States Air Force to carry out the purposes of said program, and which expenditure has been properly accounted for to the Comptroller General of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I should like to ask the distinguished Senator one question.

Mr. SCHOEPPPEL. I yield.

Mr. HOLLAND. Is it correct, as I understand it to be, that the sole function of the Fish and Wildlife Service under the proposed substitute is advisory, consultative?

Mr. SCHOEPPPEL. The Senator is correct.

Mr. HOLLAND. I thank the Senator.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

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

The bill was read the third time and passed.

The title was amended so as to read: "An act to promote effectual planning, development, maintenance, and coordination of wildlife, fish and game conservation, and rehabilitation in the Eglin Field Reservation."

Mr. CORDON. Mr. President, referring to Order of Business 651, House bill 2418, for which a substitute bill was offered, does the substitute provide that permits for fishing or hunting on the reserve are open without discrimination to anyone? I shall clarify my question further by asking whether they are open to members of the armed services alone, or to civilians or others who may request permits.

Mr. HOLLAND. Permits are to be issued to all hunters or fishermen who apply. The reason why the Air Force has to have complete jurisdiction in the matter is because this area is a bombing range, where the Air Force uses active, live service ammunition, and it is not safe except at such time as the Air Force clears it for occupancy. Therefore it has

to be supervised rigidly by the Air Force rather than by any other agency.

BILL PASSED OVER

The PRESIDING OFFICER. The clerk will state the next bill passed over.

The LEGISLATIVE CLERK. A bill (S. 384) to authorize the Commissioner of Public Buildings to convey to the Temple Methodist Church, a nonprofit corporation, of San Francisco, Calif., a portion of the federally owned building known as 100 McAlister Street, San Francisco, Calif., and for other purposes.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAMS. Over.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The PRESIDING OFFICER. The next bill passed to the foot of the calendar will be stated.

The bill (H. R. 5647) to prohibit the picketing of United States courts was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CAIN. Mr. President, reserving the rights to object, what was the calendar number, please?

The PRESIDING OFFICER. Calendar No. 968.

Mr. CAIN. I have a list of the bills which have been cleared by the minority leader, and I have no objection.

Mr. SCHOEPPPEL. I believe an objection was lodged against the bill by the Senator from North Dakota [Mr. LANGER]. I note he is absent from the Chamber. I should be loath to withdraw the objection to the measure, although I myself do not object.

The PRESIDING OFFICER. The bill will be passed over.

The clerk will call the next bill passed to the foot of the calendar.

MRS. GIOVANNA FOLLO DISCEPOLO

The bill (H. R. 5299) for the relief of Mrs. Giovanna Follo Discepolo was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The clerk will call the next bill passed to the foot of the calendar.

MARY THOMAS SCHIEK

The bill (H. R. 3300) for the relief of Mary Thomas Schiek was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 5, to strike out "\$35,000" and insert in lieu thereof "\$25,000."

Mr. MCCARTHY. Mr. President, I move to amend the committee amendment by striking out "\$25,000" and inserting in lieu thereof "\$40,000."

Mr. President, I am not going to take more than a few minutes of the Senate's time on this matter. I ask unanimous consent, however, to have printed in the Record at this point a letter from the injured girl, Mary Thomas Schiek, to Mr.

Walter Lee, of the Judiciary Committee of the House of Representatives.

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

MILWAUKEE, WIS., May 24, 1949.

Re H. R. 3300.

Mr. WALTER LEE,

Judiciary Committee, House of Representatives, Washington, D. C.

DEAR MR. LEE: I hope you will forgive me for bothering you, because, since your name appears on the copies of the letters which Mr. Charles Boyd has sent me, I would like to consult you about my case.

I am writing concerning the request for a statement of my present condition.

I am worn out and discouraged at the thought of more examinations; I have been through years of undressing for one doctor after another. They cannot tell me anything. They cannot encourage me. They merely ask me questions, put down answers, and tell me it is too bad that I was so injured.

Ever since the doctors explained to me that these were to be permanent handicaps, I have tried to adjust to them and make the most of a bad deal—since I do have to live with my beat-up self for a long time.

Isn't it adding insult to injury to have me continually asked to prove my disabilities?

Here I've been trying to make my wobbly gait as inconspicuous as is possible considering that one can't hide a cane. I pretend I don't care if I can't wear shoes like other people because my feet are shriveled up. Out of respect for family and friends, I have tried not to force my disabilities upon them any more than necessary.

The day the letter came asking for proof of my disability, I had tried to walk a block and a half to the drug store; by the time I got back, even with the steel brace I wear, my back was so bad that the tears were running down my face—and I'm not the cry-easy kind—and then I was greeted by a letter wanting to know if I were still disabled.

I have tried so hard to be very honest about this whole case, Mr. Lee, and if I had gotten well, I surely would have dropped the case. There have been so many delays and problems and so many discussions about whether or not I am disabled that I am beginning to think that people thought I had made all this up, as though I were trying to do something dishonest, as though I were asking for a favor I did not deserve—instead of merely asking for justice from a group of wise and understanding men.

Mr. Lee, all the things in the old reports are still true. I certainly cannot work, even at a sitting-down job, because I cannot sit on a chair through a meal without my special cushion. My legs are still spastic in certain positions, and I have to call someone in the night to straighten them. The old shooting pains are still there and the feet are still cold and shrunken. The areas without sensation are still numb, and unless I look where I am to sit, I may miss the chair. The spine is still crooked at the bottom; the muscles have not filled in there and it is very obvious.

These have not changed; nor have the things outsiders cannot see but which are cruellest to bear—the great fatigue and the gnawing pain. I have to sleep long hours at night as well as in the afternoon. The slightest exertion exhausts me—and when one is tired one is less able to bear the pain.

Some people might like being forced to live in low gear, but I find it a frustrating, useless, and unproductive existence.

I've talked too long for a business letter, but I wanted a chance to explain. Couldn't you tell the men on the committee that my condition is unchanged? They'd believe you. They know I told the truth about that horrible nightmare of the treatment in India. They must believe that or they would not

even be considering the case, so why can't they believe me now, and save me the embarrassment of these endless examinations.

I don't suppose Mr. Casper and Mr. Boyd would think it very businesslike of me to bother you, but to me, my back isn't just business—it's my life, so I was sure you'd be kind enough to read this and I know I feel better talking directly to you.

Couldn't you just tell them that there need be no more examinations? I am so weary and worn with all this that I should be deeply grateful.

Sincerely,

MARY THOMAS SCHIEK.

Mr. McCARTHY. Mr. President, briefly, I believe all Senators who are now present have been present all afternoon, so there is no need to rehash the facts in this case. The case deals with a girl serving with the Red Cross who was crippled for life, according to the Army and according to the committee report, because of the combined negligence of a truck driver in India and a doctor who, according to the committee report and according to the Army, was guilty of gross negligence and malpractice.

The girl, 4 years after the injury, is unable to control her bowel movements and cannot control her urine. She can walk a block or so, according to the committee report. She cannot sit in a chair without special braces on her feet; otherwise she will fall out of her chair.

She had a job before the war which paid her \$2,600 a year. She cannot now work at that job. She has a life expectancy of roughly 38 years. The figure of \$40,000 would give her about \$1,000 a year. She had previously been earning \$2,600 a year. So the \$40,000 is entirely insufficient for her needs, and it does not provide anything to cover her pain and suffering, and the loss of the ordinary pleasures of life. Compensation for any such losses has been entirely thrown out the window.

The amount of \$40,000 would mean much less than half her annual earnings over the period of her life expectancy. That is the way it is proposed to pay her for her injury. No statements have been made on the Senate floor indicating that hers is a charity case. It is not a charity case. It is the paying of a debt to this girl. We should not pay her less than we owe her. The Nation—I say the Nation, not the Senate—would be dishonest if it paid her less than it owed her.

Mr. HILL. The House allowed her \$35,000, did it not?

Mr. McCARTHY. Yes.

Mr. HILL. The House examines such claims very carefully. I can say that as one who served there for a considerable period of time. They no doubt considered that money is not worth as much today as it was 2 years ago.

Mr. McCARTHY. The Senator is correct. The figure proposed by the committee 2 years ago would be about the same as \$35,000 or \$40,000 today.

Mr. President, the girl is crippled. The Army said she was not at fault. The committee said she was not at fault. For hospital care, nurses' care, and doctors' care, the sum of \$25,000 would not last for many years. I ask that she be given \$40,000. I do not ask for a yea-and-nay vote. It would require too long to have

such a vote taken. I do, however, ask for a division on the question.

Mr. KILGORE. Mr. President, I feel under an obligation to defend the action of the Judiciary Committee on this claim. When I first came here we were paying \$5,000 for such cases. I may say in passing that great play has been made of the word "malpractice." We have three and a half million employees in the United States Government. The taxpayers are paying the amount this girl will receive. If a private hospital had a doctor who was guilty of malpractice, that would be a different proposition, because the doctor and the hospital are paid for the services rendered.

A great play has also been made to the effect that she deserves more than another woman living in Philadelphia, a citizen and a taxpayer herself, who was injured.

Mr. President, I have the utmost sympathy for this girl, but I say with all due respect to my very good friend the Senator from Alabama [Mr. HILL], that the House Claims Committee has changed very materially since the Senator from Alabama left the House. If Senators could see some of the claims bills which come to the committee they would be surprised that the committee reports anything. The House says in effect, "We will get this through and leave it to the Senate to try to equalize the amount."

The payment we propose to make in this case is the highest payment that has ever been recommended by the Judiciary Committee of the United States Senate.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. KILGORE. I did not interrupt the Senator, and I decline to be interrupted. The Senator interrupted me while I was speaking before. I want to keep my thoughts connected, as I allowed the Senator to keep his thoughts connected.

Mr. President, the members of the Judiciary Committee are obliged to think of precedents. We have established a precedent by setting the figure at \$25,000. We did not see the witnesses. We did not have an opportunity to talk to the doctors. We were simply obliged to decide the case on letters and evidence of that kind.

Usually we have to overrule the departments and recommend against them. In this case the Department recommended \$15,000. But inasmuch as the committee decided to vote \$25,000, I on the floor intend to stick to that decision of the committee, although I think we are establishing a very bad precedent.

As I said heretofore, the distinguished Senator from Wisconsin has talked about damage suits. I have practiced law a little in my time, and I have tried a few damage cases. I will leave it to any lawyer on the floor of the Senate if a litigant who wins a damage suit gets more than about 50 percent of what the jury awards, by the time he pays his expert witnesses and other fees. Such cases must be taken by lawyers on a contingent-fee basis because most of the clients are too poor to advance money to pay the legal expenses. The lawyer

must take such cases on the contingent-fee basis and gamble on the outcome.

Mr. President, I say that the amount of \$25,000, fixed by the committee, is the equivalent of about \$50,000 judgment in any court.

If the Senate of the United States wants to do otherwise than as the committee has recommended, very well. But I think that if we are going to increase the amount above that recommended by the committee, the bill should be handled on the floor as a special measure, and debated on its merits. I have insisted for a long time that these cases should be tried out in a court. So far I have been unable to secure any action either in the committee or on the part of the Senate. I think such cases as this should be submitted to the United States district court for a finding of the facts, where the one who makes the recommendation has an opportunity to see and hear the witnesses testify. That is my feeling about the matter.

Mr. McCARTHY. Mr. President, before the Senator yields the floor, if he will—

Mr. KILGORE. Wait a minute.

Mr. McCARTHY. I simply wish to ask that the Senator, before he yields the floor—

Mr. KILGORE. I decline to yield, as I said to the Senator before when he rudely interrupted.

This is the way I feel about the matter, Mr. President: I hate to have claimants set their sights now on \$40,000, then on \$50,000, and then on \$100,000. There are today 500 or 600 bills in the committee. I think we must realize that we are establishing policies here. We are going a great distance and far afield when a claim which merited a \$5,000 payment in 1941 is meriting a \$40,000 payment in 1949. What will it merit in 1952, in 1959, or in 1960? Precedents are always thrown in our faces. It will be said, "You voted so much in such and such a case, and you cannot give us less than that."

We must realize that we cannot presuppose malice on the part of the Government. We did not hear from the doctor. We do not know who the doctor was. He did not testify. We have only the word of one doctor against that of another. One doctor says that there was malpractice. If the doctor were being sued for malpractice, I doubt if the other doctor would make the same statement. I think it would be like the case which happened in my own State. A man's leg had been set backward, and when the case of malpractice was tried all the doctors swore how much better off the man was than before because he could not be tracked in the snow if he were getting away from his still. [Laughter.] I think we would run into a similar situation. The same doctor would not say that it was malpractice if he were called upon to testify in a suit.

So I urge Senators to be careful. If we are to start raising our sights and jacking things up, let us be prepared to bear the consequences; and let no Senator who votes for this amendment ever yell "economy" in my ears again.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. McCARTHY. Mr. President—
The PRESIDING OFFICER. The Senator from Wisconsin has used his time on the bill.

Mr. CAIN rose.

The PRESIDING OFFICER. Does the Senator from Washington wish to be heard?

Mr. CAIN. Mr. President, I should like to make one observation, if I may. I have no disposition to delay the Senate at this late hour, but I think this is an important question. I am constrained to believe that it should not be decided by a handful of Senators. I should like to suggest the absence of a quorum.

Mr. McCARTHY. Mr. President, will the Senator withhold his suggestion of the absence of a quorum? We are getting along toward the end of the year. This woman has lived for 4 years now. She has no means of support whatsoever. If the Senator asks that this bill go over, it means that she will wait another year.

I should like to ask the Senator a question before he suggests the absence of a quorum. Am I not correct in the statement that it is not a question of precedent, whether we would like to give \$5,000, \$10,000, or \$15,000? The measure of damages when one injures another does not depend upon whether the damages must be paid by the taxpayers or by a private hospital.

It seems that tonight the Senator from West Virginia is determined to remember the taxpayers, which is an unusual position for him to find himself in. I have seen him vote for every appropriation which has been presented to the Senate. But regardless of whether the payment is being made by the taxpayers or a private hospital when someone is injured the rule of damages is not within the discretion of any man. The rule of damages is to make the injured person whole again. Would a figure of \$5,000 make this lady whole financially? If that is true, then it would be wrong to give her \$6,000 or \$4,000. She can never be made whole physically. If \$20,000 is required to make an injured person whole, it is wrong to give him \$21,000 or \$19,000. It is wrong to dwell on the figure of \$5,000, and say that we are setting a precedent. We should ask ourselves only one thing. How badly was this woman injured? The committee found that she was crippled for life. How much was she making a year? What is her life expectancy? Our duty is to try to make her whole financially; \$40,000 does not even begin to make her whole financially. Does not the Senator agree with me that that is the correct measure of damages, rather than the measure which operates depending upon whether the taxpayers are paying, or whether a private hospital is paying? That is the measure which the Senator from West Virginia would seek to apply.

Mr. CAIN. Mr. President—

Mr. KILGORE. Mr. President, if I may interrupt at this point, I should like to refute the statement made by the Senator from Wisconsin. I did not infer

what he states. I said that we could not impute the evil intent of malpractice to the United States Government by adoption, which I think is the impression which was sought to be created in the minds of Senators. The United States Government cannot be charged with malpractice, even if some very foolish and careless doctor in the service of some branch of the armed forces does something which he should not have done.

Mr. CAIN. Mr. President, this question has been before the Senate for the better part of the afternoon. I feel that obviously the distinguished Senator from Wisconsin is entitled to a vote on his amendment. For the reason that many Senators on both sides of the aisle who are interested in this question are not now present, I believe that they ought to be called back here to vote on this question if a vote is to be called for before the Senate takes a recess this evening.

I ask the counsel and opinion of my distinguished friend, the majority leader.

Mr. LUCAS. Mr. President, I hope the Senator, before he suggests the absence of a quorum, will permit the two other bills which are on the calendar to be considered. I hope that we may be able to consider Calendar No. 1083, House bill 2960, and Calendar No. 1109, Senate bill 2584, before a quorum call is had in connection with Calendar No. 1080. I doubt if we can get a quorum at this late hour. I have told a number of Senators that they could go home, and that there would probably be no quorum call and no further votes.

I view of the fact that the Senator from Arkansas [Mr. FULBRIGHT] has notified the Senator from Wisconsin that if his amendment is agreed to he will object to further consideration of the bill at this time, it seems to me that we are wasting time discussing the amendment.

As I understand, the parliamentary situation is such that if the amendment is adopted, objection can then be made to the bill, and it will go over. In view of the statement which was made by the Senator from Arkansas, and in view of what the acting chairman of the Judiciary Committee has said, I think the Senator from Wisconsin is really wasting his time in trying to get his amendment through.

Mr. McCARTHY. Mr. President, I should like to ask the Senator from Washington if it is not true that all Senators who are interested in the various bills which are coming up at the end of the calendar are present? I sincerely hope that the Senator from Washington will not insist upon a quorum call at this time. If Senators were interested, they would be present.

Mr. CAIN. Mr. President, the Senator from Washington can hardly insist upon his suggestion of the absence of a quorum, for the very logical reason that the distinguished majority leader has quite properly encouraged Senators to leave. I withdraw the suggestion of the absence of a quorum, but only for that reason. I still feel strongly that every Senator, in the face of what has become an issue, ought to be provided with an opportunity to vote yes or no.

Mr. KEM. Mr. President, I think the position of the Senator from Washington is entirely logical. I do not believe that the amount should be fixed by a vote taken with the small number of Senators who are now present on the floor of the Senate.

As the Senator from West Virginia has said, this is an important precedent. If we adopt the amendment of the Senator from Wisconsin and fix the amount at \$40,000, it will undoubtedly be urged in future cases as a precedent. It will be urged whether or not the bill is finally passed. For that reason I ask the Senator from Wisconsin to withdraw his amendment, or not to insist that it be acted upon at this time. If he is unwilling to do so, and if the vote is to be taken, I am constrained to suggest the absence of a quorum.

Mr. McCARTHY. Mr. President, I cannot withdraw my amendment.

I may say, incidentally, that this is not my bill. I first introduced it at the request of a former Representative from Milwaukee, Mr. Kersten, a Republican. I have introduced it this time at the request of the Democratic Representative from Milwaukee [Mr. BIEMILLER]. He feels very strongly about this bill. The original bill which I introduced 2 years ago provided for a payment of \$25,000. I thought this girl was going to recover. The Democratic Representative in the House who has sponsored this measure has convinced me that she is much more seriously injured than the report of the committee indicates. I promised everyone concerned that I would bring this question to a vote and have the Senate say yes or no. I must do that. I cannot withdraw my amendment. That would be action on my part which would take away \$10,000, \$15,000, or \$25,000, which this woman should have, just as though I reached in her pocket and stole it. So I cannot withdraw the amendment.

Mr. HENDRICKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HENDRICKSON. Are we operating under the 5-minute rule or not?

The PRESIDING OFFICER. The Senate is supposed to be operating under the 5-minute rule. It has been rather loosely applied. The Senator from Wisconsin has used his 5 minutes on this particular subject, and the same thing is true of every other Senator who has spoken once. Under the 5-minute rule Senators are allowed to speak not more than once, nor longer than 5 minutes, on a bill or on a particular amendment.

Mr. LUCAS. Mr. President, I ask unanimous consent that House bill 3300, Calendar No. 1080, be temporarily passed over, and that the Senate proceed to the consideration of House bill 2960, Calendar No. 1083.

The PRESIDING OFFICER. Is there objection?

Mr. McCARTHY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HILL. Mr. President, I do not think the Senator should object, and I do not believe he will if he will yield to me for a moment and hear me on this matter. We have been most gracious in

trying to help him in connection with the bill in which he is interested, and we have been most sympathetic in that connection. I voted for his amendment. Just because he was not able to have his amendment adopted, I hope he will not object to the request for the consideration of House bill 2960 at this time.

Mr. McCARTHY. Mr. President, I shall be glad to withdraw objection if I can have assurance from the majority leader that the bill in which I am interested will be acted upon tonight.

Mr. LUCAS. Mr. President, it will be acted upon one way or another; I can assure the Senator that.

Mr. McCARTHY. Then why should we take up another measure now? I wish to stay here and act upon the bill to which the Senator from Alabama has referred, but I see no reason to set aside at this time the bill which I have been discussing.

Mr. FULBRIGHT. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is the consideration of the amendment offered by the Senator from Wisconsin.

Mr. SCHOEPEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCHOEPEL. What disposition has been made of House bill 2960, Calendar No. 1083?

The PRESIDING OFFICER. It has not yet been reached on the recall.

The question now before the Senate is the amendment of the Senator from Wisconsin to House bill 3300.

Mr. McCARTHY. Mr. President, I withdraw my objection.

Mr. LUCAS. Then I renew my unanimous-consent request for the present consideration of House bill 2960, Calendar No. 1083.

The PRESIDING OFFICER. Is there objection?

Mr. SCHOEPEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCHOEPEL. Are we now considering House bill 2960, Calendar No. 1083?

The PRESIDING OFFICER. The pending question is on agreeing to the unanimous-consent request propounded by the Senator from Illinois to have House bill 3300, Calendar No. 1080, temporarily laid aside, and to have the Senate proceed to the consideration of House bill 2960, Calendar No. 1083.

Mr. SCHOEPEL. I object.

The PRESIDING OFFICER. Objection is heard.

The question recurs on the amendment offered by the Senator from Wisconsin to House bill 3300.

Mr. McCARTHY. On this question, I ask for a division.

Mr. KEM. Mr. President, I suggested the absence of a quorum.

The PRESIDING OFFICER. The Chair understood that the Senator from Missouri intended to suggest the absence of a quorum if that matter came up.

Mr. KEM. I said I was constrained to suggest the absence of a quorum; that was the language I used.

Mr. CAIN. Mr. President, will the Senator temporarily withhold his suggestion of the absence of a quorum?

Mr. KEM. Yes.

Mr. LUCAS. Mr. President, before a quorum call is had, let me say that I advised at least 10 or 12 Senators that there would be no vote upon any of these measures. Before we have a quorum call, I shall be compelled to object to all the remaining bills on the calendar, because obviously we cannot get a quorum.

Mr. HILL. Mr. President, will the Senator yield to me?

Mr. LUCAS. First, Mr. President, let me say that I must keep faith with the Senators whom I promised no votes would be taken. Little did I realize we would get into a situation of this kind. It simply goes to show that one should never promise any Senators anything in respect to a vote in the Senate. I doubted that we would ever have a yea-and-nay vote on any of these bills; I believed that either they would be passed or objection to them would be made.

Consequently, I shall be a little embarrassed if there is to be a quorum call, I may say to the Senator from Missouri.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. HILL. I fully understand and appreciate the Senator's position at this hour of the night, for it is now 7:30 p. m. However, there are only two or three bills left on the calendar.

I wonder whether it can be agreed that when we meet at 12 o'clock tomorrow, we can consider those bills, by unanimous consent. It could not possibly take long to dispose of those two or three bills.

Mr. LUCAS. No; I could not agree to that. Either we shall finish with these bills tonight or they will have to go over until the next call of the calendar, because we have other business to take up tomorrow.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. If objection is made now to the consideration of House bill 3300, Calendar 1080, that will dispose of that bill for the present; will it not?

The PRESIDING OFFICER. An objection to the bill at any time prior to its final passage would cause the bill to go over.

Mr. FULBRIGHT. Mr. President, I ask that that bill be passed over.

Mr. McCARTHY. Mr. President, may I ask the Senator to withhold his objection until I can point out that earlier in the day we had an agreement that he would not object, but would allow us to reach a vote on the bill.

Mr. FULBRIGHT. But it is obvious now that we cannot obtain a vote on it. It is not that I object to having a vote on it; I do not object to having a vote taken on it. But we have reached a stalemate.

Mr. McCARTHY. Mr. President, let me inquire whether I am correct when I say that earlier today the Senator from Arkansas agreed with me that he would not object to having a vote taken on the bill, although he now objects.

Mr. FULBRIGHT. I said I had no objection if the Senator wanted a vote

on the bill, but that if the amendment were adopted, I would be forced and constrained to object to the passage of the bill. I said that twice. But I have no objection to having a vote taken on it if the Senator wishes to have a vote.

Mr. KILGORE. Mr. President, in order to avoid embarrassment on the part of any Senator, I object.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

Mr. SCHOEPPPEL. Mr. President, let me say in respect to my objection in connection with the unanimous-consent request for the present consideration of House bill 2960, Calendar No. 1033, that that objection was by request on the part of two Senators.

Mr. LUCAS. May I inquire who are the two Senators?

Mr. SCHOEPPPEL. The junior Senator from Pennsylvania [Mr. MARTIN] is one.

Mr. LUCAS. Mr. President, I may say that we shall, at some time before the session closes, take up that bill and consider it, because it has been reported, I believe, unanimously by the Committee on Agriculture and Forestry, and it is a very important bill. It will be one of the bills which we shall consider before we finish the session.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. HOLLAND. Mr. President, I would simply like the record to show that the junior Senator from Florida has secured from his office the two amendments he mentioned earlier today when he requested that this bill go to the foot of the calendar, and they have been discussed with the distinguished chairman of the Committee on Agriculture, with the Senator from Vermont, and with the Senator from Alabama, who I believe is the principal author of the companion Senate bill. They are perfecting amendments, purely and simply, and are agreeable to those with whom they have been discussed. Let me further say that, so far as the Senator from Florida is concerned, he has no objection whatever to the consideration and passage of that bill.

The PRESIDING OFFICER. Does the Senator submit the amendments, to be printed and lie on the table?

Mr. HOLLAND. Yes; I ask that that be done.

The amendments intended to be proposed by Mr. HOLLAND to the bill (H. R. 2960) to amend the Rural Electrification Act to provide for rural telephones, and for other purposes, were ordered to lie on the table and to be printed.

Mr. MARTIN. Mr. President, I wish to announce that I am opposing the present consideration of Calendar 1033, House bill 2960, not on the merits of the bill, but because the hour is now late and many Senators have left the Chamber. Several Senators have discussed the bill with me and have said it should receive careful consideration. So my objection is not to the bill on its merits, but because I think this proposed legislation should have the careful consideration of the Senate.

The PRESIDING OFFICER. Objection having been made, the bill is passed over.

STUDIES OF ILLNESS IN THE UNITED STATES

The PRESIDING OFFICER. The clerk will state the one remaining bill which has previously been placed at the foot of the calendar.

The LEGISLATIVE CLERK. A bill (S. 2584) to provide for studies of the methods of determining the amount, distribution, and effects of illness in the United States and for conducting periodic inventories of illness by the best methods developed through such studies.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. McCARTHY. Mr. President, reserving the right to object, in view of the fact that I understand that my bill will not be voted on tonight because of the fact that there is a shortage of Senators on the floor, I shall now suggest the absence of a quorum.

Mr. PEPPER. Mr. President, will the Senator withhold his suggestion of the absence of a quorum for a moment?

Mr. McCARTHY. I shall be glad to withhold it temporarily.

Mr. PEPPER. Let me say that this bill was reported unanimously by the Committee on Labor and Public Welfare.

Mr. McCARTHY. Is it the last bill previously passed over, to be taken up at the foot of the calendar?

Mr. PEPPER. Yes; it is the last one.

Mr. McCARTHY. Then I withdraw my suggestion of the absence of a quorum.

Mr. PEPPER. I thank the Senator very much.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2584) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Surgeon General of the Public Health Service shall (1) study, through ample surveys and other appropriate means, methods of ascertaining the amount and distribution of chronic and other diseases, injuries, and handicapping conditions in the population of the United States in relation to (a) type of disease, injury, or handicapping condition, (b) age, sex, race, and usual occupation, (c) length of time that persons so afflicted are prevented from carrying on their usual occupations or activities, and (d) other relevant factors relating to such persons and their families; (2) determine from these studies the best method of obtaining periodic, reliable estimates of the amount and distribution of chronic diseases, injuries, and handicapping conditions; and (3) report to the Congress, within 18 months after the date of enactment of this act, the results of such studies.

Sec. 2. To assist in carrying out the provisions of this act, the Surgeon General, through the Federal Security Administrator, shall request the cooperation of the State health departments in the various States, and such other Federal, State, and local government agencies as he may find appropriate, and he shall consult with nongovernmental associations and experts in planning and carrying out such studies and inventories.

Sec. 3. There is authorized to be appropriated not to exceed \$200,000, to remain available until expended, for the studies authorized under this act.

Sec. 4. The functions of the Surgeon General under this act shall be performed by him, or by such officers or employees of the Public Health Service as he may designate, under the supervision and direction of the Federal Security Administrator.

Sec. 5. As used in this act, the terms "State" and "United States" include the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

The preamble was agreed to.

RECESS

Mr. LUCAS. Mr. President, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 7 o'clock and 39 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, September 28, 1949, at 12 o'clock meridian.

CONFIRMATION

Executive nomination confirmed by the Senate September 27 (legislative day of September 3), 1949.

DEPARTMENT OF STATE

W. Walton Butterworth, to be Assistant Secretary of State.

HOUSE OF REPRESENTATIVES

TUESDAY, SEPTEMBER 27, 1949

The House met at 12 o'clock noon.

Rev. Brian A. McGrath, S. J., Georgetown University, Washington, D. C., offered the following prayer:

Almighty and Everlasting God who knowest the desires of our hearts, grant to us this day an abundance of Thy wisdom, prudence, and fortitude. Illumine our minds that we may know the way to Thy peace. Strengthen our souls that we may firmly follow in pathways of justice. Give us the grace of Thy holy spirit that we may in charity and patience seek out and discover what is best for the welfare of our country and the world.

Grant that keeping always in mind Thy commandments we may in true faith accomplish the work to which we are dedicated, and in Thee find peace for ourselves, our fellow countrymen, and the whole world. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 1746. An act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is

vided further, That the disability retirement pay of any member whose name is carried on

the temporary disability retired list shall, for so long as his name is carried on such list, be not less than 50 percent of the basic pay upon which the computation is based."

Page 45, strike out lines 11 to 16, inclusive, and insert:

"(h) That part of the disability retirement pay computed on the basis of years of active service which is in excess of the disability retirement pay that a member would receive if such disability pay were computed on the basis of percentage of disability shall not be deemed to be a pension, annuity, or similar allowance for personal injuries or sickness resulting from active service in the armed service in the armed forces of any country within the meaning of section 22 (b) (5) of the Internal Revenue Code, as amended."

Page 45, after line 16, insert:

"(i) All members of the Reserve components heretofore or hereafter retired or granted retirement pay because of physical disability shall be entitled to the same pay, rights, benefits, and privileges provided by law or regulation for retired members of the Regular services."

Page 50, line 17, after "of", insert "TEMPORARY."

Page 52, line 15, after "FROM", insert "INTENTIONAL."

Page 52, line 20, after "his", insert "intentional."

Page 57, after line 19, insert:

"SEC. 415. Any member who, on the effective date of this act, is a hospital patient and who within 6 months of the effective date of this act is retired as a result of a physical disability growing out of the injury or disease for which he was hospitalized as of the date of enactment of this act, may elect to receive retirement benefits computed under the laws in effect on the date preceding the date of enactment of this act."

Page 100, line 9, after "amended", insert "is hereby repealed."

THE SPEAKER. Is there objection to the request of the gentleman from Texas?

MR. ARENDS. Mr. Speaker, reserving the right to object, may I ask the gentleman from Texas if he will kindly explain the changes in this bill?

MR. KILDAY. Mr. Speaker, there are a number of amendments to the proposed Career Compensation Act of 1949 which passed the Senate and I will be happy to discuss them briefly with the House in order that they may be apprised of the changes made by the Senate.

Let me say at the outset that most of the amendments are technical in nature and do not affect the substance of the bill. However, I feel that I should explain most of the amendments at least briefly.

An important change was made in the hazardous-incentive pay—that is, flight and submarine pay—for general officers. This figure, originally \$210 a month in the House bill, was reduced to \$150 a month by the Senate. Thus, flag and general officers who are entitled to hazardous-duty pay for flying or submarine duty have been reduced by \$60 per month.

In addition, a change was made in the pay schedule for general officers. The House will remember that when the pay bill, after recommitment, was again reported to the House a percentage reduction had been applied to the original pay scales. Flag and general officers had been reduced 10 percent and all

other officers 5 percent. The Senate reduced the reduction for general officers from 10 percent to 5 percent, which, in effect, in the bill now before you, means that all officers receive a reduction of 5 percent from the original pay schedules proposed by the Hook Commission. The net effect is to increase the pay of general and flag officers by about \$50 a month over that contained in the House bill, although this does not reflect the marked decrease in hazard pay for these officers.

The Senate made other changes, such as adding the words "including warrant officers heretofore retired" in the section permitting the Secretary to distribute warrant officers for basic-pay purposes. This is purely a clarifying amendment.

On page 20 of the proposed bill you will note that the Senate struck out the authority of the President to extend incentive-hazardous-duty pay to other groups in time of war, which, in effect, reserves this right to the Congress. Thus, as amended, the subsection now permits the President to suspend the incentive-hazardous-duty pay for any or all hazardous duty in time of war, but removes the authority of the President to prescribe it for other hazardous duties in time of war.

The Senate also eliminated the word "direct" from the original House language which required that in retirement cases the disability must have been incurred as the "proximate result of the direct performance of active duty." The Senate felt that the elimination of the word "direct" would clarify the language, which they felt was otherwise somewhat obscure.

Furthermore, the Senate added a proviso which permits personnel placed on the temporary disability retired list to be assured of a minimum of 50 percent of their basic pay while in that status. The House bill granted those on the temporary disability retired list pay based upon their percentage of disability. Thus, the difference is that under the Senate amendment a person with a 30- or 40-percent disability will receive 50 percent of his basic pay rather than 30 or 40 percent. For all practical purposes this will have no effect upon the cost of the bill.

Section 402 (d), on page 39, as amended, permits a person who is retired for physical disability under the bill to elect retired pay computed on the basis of years of service or on the basis of percentage of disability. Neither determination can result in pay exceeding 75 percent of basic pay. Section 402 (h) as passed by the House provided that disability retired pay computed on years of service would be subject to income tax in toto. The Senate revised this subsection so as to provide that when disability retired pay is computed on the basis of years of service, only that part in excess of that amount the individual would have received had his retired pay been computed on the percentage of disability would be subject to income tax. For example, an individual with 24 years of service and a 30-percent disability would be entitled to 60 percent of active duty

pay if his retired pay were computed on the basis of years of service, and 30 percent if his retired pay were computed on the basis of the percentage of his disability. If the individual elected to have his retired pay computed on the basis of years of service, then under the amendment adopted by the Senate the 30 percent would be tax exempt and the remaining 30 percent would be subject to tax.

The amendments that I have discussed so far were all adopted by the Senate Armed Services Committee and were unanimously accepted on the Senate floor. In addition, the bill was amended three times on the floor of the Senate. Of these amendments, one grants to all members of the Reserve components heretofore or hereafter retired or granted retirement pay because of disability the same pay, rights, benefits, and privileges provided by law or regulation for retired members of the Regular services. This, in effect, puts members of the Reserve components retired for physical disability on an equal basis with retired members of the Regular services with respect to post exchange, commissary, and hospitalization benefits.

The second amendment provides that in time of war or national emergency a disability incurred in line of duty shall be considered to be the proximate result of the performance of active duty. This, in effect, grants to all personnel in time of war disability coverage without regard to length of service.

Finally the Senate adopted on the floor an amendment which permits a person now in the hospital who is retired for physical disability within 6 months of the effective date of the act to elect to be retired under the old law or under the proposed law.

Mr. Speaker, there are other technical amendments clarifying in nature which in no way affect the substance of the proposed bill. We have discussed these amendments fully and they are acceptable to the subcommittee of the House Armed Services Committee charged with the responsibility for this legislation. They do not detract from the effectiveness of the original legislation, and, in fact, in most instances are excellent clarifications or modifications to the bill.

MR. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

MR. ARENDS. I yield to the gentleman from South Dakota.

MR. CASE of South Dakota. As I understand it, the bill in the form in which it comes before us would still represent a savings of approximately \$110,000,000 from the form of the bill that was originally presented to the House and then recommitted to the committee for further study?

MR. KILDAY. That is substantially correct. The only difference here is about \$2,000,000.

MR. ARENDS. Mr. Speaker, I withdraw my reservation of objection.

MR. HOFFMAN of Michigan. Mr. Speaker, reserving the right to object, will there be an opportunity to vote on this bill?

Mr. KILDAY. We have voted on the bill. The amendments which were adopted in the Senate leaves practically nothing to go to conference.

Mr. HOFFMAN of Michigan. We will get no opportunity to vote on the bill then?

Mr. KILDAY. My request was that the House agree to the Senate amendments.

Mr. HOFFMAN of Michigan. Mr. Speaker, I want to be recorded as against the bill, that is all.

Mr. JOHNSON. Mr. Speaker, I am happy that the Senate passed almost the identical bill that the House did when it enacted H. R. 5007, increasing the pay of the armed services. It happened that I was a member of the subcommittee which held the hearings that resulted in the drafting of H. R. 5007. We gave exhaustive consideration to every section of the bill. It was the first major adjustment of pay in the armed services in 40 years and under the leadership of our subcommittee chairman, Mr. KILDAY, we wrote a good bill.

It was wise for us to accept the Senate amendments, so the bill may become law on October 1, 1949, the date fixed in the bill for the increases to take effect. It happens that I am slightly disappointed that the flight-pay provisions we placed in the bill were reduced by the Senate. However, the change is not great and it is compensated by the fact that a slight reduction which we gave to general and flag officers was reduced so that the reduction in the pay schedule from the original bill, which was recommended to the committee, is now the same percentage for all members of the service. It is easy and in some places popular to jump on the "brass." But we must remember that these men are the leaders who must safeguard us and our institutions in times of national peril. They have measured up to their responsibility in the past. If we criticize and snipe at the military leaders, it may be that the kind of young men whom we need and who will be our leaders in the next generations and the others to follow will not be attracted to the armed services. Leaders are as important in the military field, if not more so, as they are in any other field of endeavor. In that field we cannot come out second; we must win. Otherwise we will perish as a free and independent nation and the liberties and opportunities that we now enjoy and which we cherish so much will be lost to each one of us. I am happy I had a small part in helping draft this bill and still more pleased that it will become the law of the land.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PURCHASE OF AUTOMOBILES OR OTHER CONVEYANCES FOR DISABLED VETERANS

Mr. RANKIN submitted the following conference report and statement on the bill (S. 2115) to authorize payments by

the Administrator of Veterans' Affairs on purchases of automobiles or other conveyances by certain disabled veterans and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 1340)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2115) to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes, having met, after full and free conference, have been unable to agree.

J. E. RANKIN,
OLIN E. TEAGUE,
BERNARD W. KEARNEY,
Managers on the Part of the House.

CLAUDE PEPPER,
LISTER HILL,
PAUL H. DOUGLAS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2115) to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes, met with the managers on the part of the Senate and report that they have been unable to agree.

J. E. RANKIN,
OLIN E. TEAGUE,
BERNARD W. KEARNEY,
Managers on the Part of the House.

ROBERT E. BRIDGE AND LESLIE E. ENSIGN

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1620) for the relief of Robert E. Bridge and Leslie E. Ensign, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 1, line 6, strike out "\$308.08" and insert "258.08."

Page 1, line 7, strike out "\$272.56" and insert "222.56."

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CURTIS R. ENOS

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 734) for the relief of Curtis R. Enos, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 4, line 7, after "heirs", insert "": Provided, That any suit brought under the authority granted herein shall be instituted within 6 months from the date of enactment of this act."

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

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object,

may I ask the gentleman to explain this amendment?

Mr. LANE. This is a clarifying amendment. It merely amends one section. It does not change the effectiveness of the bill in any way as passed by the House.

Mr. MARTIN of Massachusetts. It does not change the effect at all?

Mr. LANE. Not at all.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MARCIA MOSS CARROLL

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3618) for the relief of the legal guardian of Marcia Moss Carroll, a minor, and Charles P. Carroll, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 7, strike out "\$14,859.24" and insert "\$15,202.24."

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

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman please explain this amendment?

Mr. LANE. I will yield to the gentleman from Ohio [Mr. JENKINS] for that purpose.

Mr. JENKINS. I might say that when the House passed the bill there was one item in which the proof was not sufficient before the House committee; the receipts were not available, but the Senate committee got the receipts and added \$200 or \$300 to it. That is all there is to it.

Mr. MARTIN of Massachusetts. The amount is increased \$200 or \$300?

Mr. JENKINS. Yes, a small amount.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

FEDERAL RECLAMATION PROJECTS

Mr. PETERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1694) to provide for the return of rehabilitation and betterment of cost of Federal reclamation projects, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 3, after "determine", insert "No such determination of the Secretary

of the Interior shall become effective until the expiration of 60 days after it has been submitted to the Committee on Interior and Insular Affairs of the Senate and the Committee on Public Lands of the House of Representatives."

Amend the title so as to read: "An act to provide for the return of rehabilitation and betterment costs of Federal reclamation projects."

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the amendment?

Mr. PETERSON. This is the bill that was discussed with the gentleman yesterday. It provides that before it shall take effect it shall be filed with the Committee on Public Lands and the Committee on Insular Affairs and Territories 60 days in advance. It does the same thing the House bill does, except it delays the taking effect of it.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. GWINN (at the request of Mr. WADSWORTH) was given permission to extend his remarks in the RECORD on the postal pay bill.

Mr. WADSWORTH asked and was given permission to extend his remarks in the RECORD and include a speech he delivered at the dedication ceremonies of the Clarence Hancock Airport, Syracuse, N. Y., September 19.

Mr. VELDE asked and was given permission to extend his remarks in the RECORD and include two editorials.

Mr. BOGGS of Delaware asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. JACKSON of California asked and was given permission to extend his remarks in the RECORD and include two articles.

GOVERNMENT SPENDING

Mr. CLEVENGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

Mr. CLEVENGER. Mr. Speaker, the Census Bureau predicts a population of 150,000,000 people in 1950. That means the Federal Government is spending \$1 per weekday per person, a virtual head tax of \$1 per day. On Sundays and holidays there is no respite, for on those days the poor souls step up to pay \$2 for State and local levies. Surely the time is here for this to stop. A head tax is a discouraging thing for an American baby to start out under.

EXTENSION OF REMARKS

Mr. HOFFMAN of Michigan. Mr. Speaker, I rise to a question of personal privilege, or the privilege of the House or,

in the alternative, to make a unanimous-consent request.

On yesterday the gentleman from Louisiana secured permission to extend his own remarks in the RECORD by inserting an editorial from the Washington Times-Herald. I mean the editorial was inserted.

Following his request, I secured permission through a unanimous-consent request to extend my own remarks and insert the same editorial as a part thereof in the RECORD.

This morning I received a letter which reads as follows:

UNITED STATES GOVERNMENT
PRINTING OFFICE,

Washington, D. C., September 27, 1949.

HON. CLARE E. HOFFMAN,
House of Representatives,
Washington, D. C.

MY DEAR MR. HOFFMAN: Your extension of remarks entitled "It Is Not Too Late," is returned herewith as it contains an editorial which is a duplication of an extension of Hon. HENRY D. LARCADE, JR., of Louisiana, appearing in the Appendix of the RECORD of September 26, 1949.

Very truly yours,

JOHN J. DEVINY,
Public Printer.

By H. D. MEROLD,
Director of Planning Service.

That course is commendable where the second extension is merely a duplication, but in this particular case, Mr. Speaker, I had three pages of my own remarks. Now, just because I quote from an editorial, or use something that someone else has used, is no reason why a gentleman down in the Printing Office should take it upon himself to censor or exclude a part of my remarks from the RECORD.

I confess I do not know how to properly raise the point. Whether a simple request now that my remarks be printed will get them in the RECORD, or whether if I follow that procedure tomorrow morning I will get another letter from the gentleman saying that the editorial or part of it has been used and my talk is out.

Under his theory, if one Member quoted from the President's annual message, another could not get his own remarks in if he used the same quotation.

One of the purposes of World War I was to make world-wide freedom of expression. If a Member of Congress is to have his remarks, made on the floor of the House, censored or excluded from the CONGRESSIONAL RECORD just because he comments upon an editorial or, for that matter, a President's message, which has before been printed in the RECORD, it is time we learned of the rule and took proper measures to end the practice, if it be a practice.

My parliamentary inquiry—I guess that is what it is—is, what do I do about this situation?

I do not wish to go to the trouble of raising a question of privilege of the House, followed by a resolution directing the Printing Office to incorporate in the RECORD the talk I made or subsequent remarks which I or others may make.

The SPEAKER. The matter is entirely up to the Joint Committee on Printing. The Chair would suggest that

the gentleman take it up with the Joint Committee on Printing, because they are the policy makers with reference to matters of this kind.

Mr. HOFFMAN of Michigan. It would not need the appointment of a special investigating committee or a resolution of the House?

The SPEAKER. The Chair would not think that would be necessary in this instance.

Mr. HOFFMAN of Michigan. I did not think so, either, but I thought perhaps a word from the Parliamentarian to the printer would save my hunting up the Committee on Printing.

Anyway, Mr. Speaker, I ask unanimous consent that my remarks as offered on yesterday, including the editorial, be printed in the Appendix of the RECORD.

The SPEAKER. If nobody else objects, the Chair certainly will not.

Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. COTTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

[Mr. COTTON addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. BURDICK asked and was given permission to extend his remarks in the RECORD and include a quotation from a letter on the farm situation.

Mr. LANE asked and was given permission to extend his remarks in the RECORD in two instances, and include extraneous matter.

Mr. ROGERS of Florida asked and was given permission to extend his remarks in the RECORD and include an editorial.

PERMISSION TO ADDRESS THE HOUSE

Mr. O'SULLIVAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

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

There was no objection.

[Mr. O'SULLIVAN addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. PHILBIN asked and was given permission to extend his remarks in the RECORD in three instances and to include several editorials and newspaper articles.

MUTUAL DEFENSE ASSISTANCE ACT OF 1949

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

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

There was no objection.

Mr. RICH. Mr. Speaker, on yesterday I rather objected to the arms bill going to conference, fearing that the conferees would swallow, hook, line, and sinker, the proposal of the other body to spend \$1,400,000,000 to start out on a program to arm the world. From the newspaper reports, it did not take very long, apparently, for our House Members, or at least the majority of them, to swallow that bill, hook, line, and sinker. Now they want us to do likewise. It seems to me if there was ever a time in the history of our country when we ought to be careful of what you are doing now is the time. When you start out arming all the nations of the world, it is a new venture for America. When you arm all these countries, it is just looking for trouble. We gave Russia \$12,500,000,000 under lend-lease, and now we wish we had not. We gave China \$2,000,000,000, and now we wish we had not. You are going to spend billions of dollars in Europe. You will wish you had not. You are sinking America financially. You are starting out on a war measure in peacetime that certainly will get us into war. You say we are a peace-loving Nation. If so, why do you do the things that get you into war? "We may not be fools, but we do the things fools would do." This bill spells financial difficulties to our people. It means more taxes. It means war. It has not one scintilla of sense in it. It is just too bad to think you Members of Congress would vote for such legislation. Your people will hold you accountable.

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

EXTENSION OF REMARKS

Mr. WEICHEL asked and was given permission to extend his remarks in the RECORD.

Mr. McCORMACK asked and was given permission to extend his remarks in the RECORD in three instances.

TEMPORARY AGRICULTURAL WORKERS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. Mr. Speaker, last week when I announced the legislative program, I gave indication that this week the bill (H. R. 5557) relating to temporary agricultural workers might be taken up. I wish to advise the House that that bill will not be taken up.

CALL OF THE HOUSE

Mr. KILDAY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 200]

Allen, Ill.	Beckworth	Bolton, Ohio
Allen, La.	Bennett, Mich.	Bonner
Anderson, Calif.	Bland	Bosone
Baring	Blatnik	Bramblett
Barrett, Pa.	Boggs, La.	Brooks

Brown, Ohio	Gregory	Norblad
Buckley, N. Y.	Gwinn	Norton
Bulwinkle	Harden	O'Konski
Burnside	Harvey	Phillips, Calif.
Byrne, N. Y.	Hays, Ohio	Poage
Chelf	Hébert	Poulson
Chudoff	Herter	Powell
Cole, N. Y.	Hinshaw	Rains
Cooley	Hoeven	Ramsay
Crawford	Horan	Reed, Ill.
Crosser	Huber	Reed, N. Y.
Curtis	Irving	Richards
Davies, N. Y.	Jenison	Riehlman
Deane	Judd	Rogers, Mass.
Dingell	Kean	Roosevelt
Dondero	Kee	Sadowski
Donohue	Keefe	Scott,
Douglas	Keogh	Hugh D. Jr.
Eaton	King	Short
Eberharter	Klein	Smith, Ohio
Elston	Kunkel	Steed
Engle, Calif.	LeCompte	Tauriello
Feighan	Lovre	Thomas, N. J.
Fellows	McMillan, S. C.	Vinson
Fernandez	McMillen, Ill.	Walter
Fisher	McSweeney	White, Calif.
Flood	Mack, Ill.	Willis
Garmatz	Mansfield	Wilson, Tex.
Gillette	Martin, Iowa	Winstead
Gilmer	Moulder	Wolcott
Gore	Multer	Wood
Gossett	Murphy	Woodhouse
Green	Murray, Wis.	Worley

The SPEAKER. On this roll call 312 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SPECIAL ORDER GRANTED

Mr. HOFFMAN of Michigan asked and was given permission to address the House for 10 minutes on tomorrow, at the conclusion of the legislative program of the day and following any special orders heretofore entered.

EXTENSION OF REMARKS

Mr. SHAFER asked and was given permission to extend his remarks in the RECORD in two instances, and to include editorials.

MILITARY-ASSISTANCE BILL

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until midnight tonight to file a conference report on H. R. 5895, the military-assistance bill.

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

There was no objection.

Mr. McCORMACK. Mr. Speaker, I desire to make a brief announcement of importance to the Members, that if the conference report on the military-assistance bill is filed by midnight tonight it is our intention to bring it up in the House tomorrow.

CALENDAR WEDNESDAY BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the business in order on tomorrow, Calendar Wednesday, be dispensed with.

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

There was no objection.

SUPPLEMENTAL APPROPRIATION BILL, 1950

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6008) making supplemental appropriations for the fiscal year ending June 30, 1950, and for

other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none, and appoints the following conferees: MESSRS. CANNON, KERR, RABAUT, TABER, and WIGGLESWORTH.

CIVIL FUNCTIONS APPROPRIATION ACT, 1950

Mr. CANNON. Mr. Speaker, I offer a privileged motion, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. CANNON moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H. R. 3734, be, and they are hereby, instructed to recede from their disagreement to Senate amendments Nos. 2, 7, 14, and 15, and agree thereto with amendments in the amounts of \$196,539,690 on amendment No. 2, \$365,030,400 on amendment No. 7, \$67,000,000 on amendment No. 14, and \$3,600,000 on amendment No. 15, respectively, in order to provide for the following projects in the amount set opposite each, namely:

Rivers and harbors

CONSTRUCTION

Alabama: Demopolis lock and dam, Warrior system-----	\$1,000,000
Alaska:	
Nome Harbor-----	701,000
Wrangell Narrows-----	343,000
Arkansas:	
Arkansas River and tributaries:	
Bank stabilization, Little Rock to mouth-----	600,000
Bank stabilization below Dardanelle-----	500,000
Morrilton cut-off-----	250,000
California:	
Crescent City Harbor-----	481,000
Monterey Harbor-----	45,520
Sacramento River-----	1,700,000
San Diego River and Mission Bay-----	2,200,000
Connecticut:	
Mianus River (Cos Cob Harbor)-----	79,500
New Haven Harbor-----	250,000
Pawcatuck River, R. I. and Conn-----	68,500
Delaware:	
Harbor of refuge, Delaware Bay-----	120,000
Indian River Inlet and Bay-----	320,000
District of Columbia: Potomac River, north side of Washington Channel-----	375,000
Florida:	
Intercoastal Waterway, tributary channels: Okeechobee-Cross Florida waterway-----	300,000
Jim Woodruff lock and dam, Apalachicola River-----	7,500,000
St. Andrew Bay-----	125,000
St. Johns River, Jacksonville to ocean-----	900,000
Tampa Harbor-----	500,000
Georgia: Savannah Harbor-----	450,000
Illinois:	
Illinois waterway: Mouth to mile 291-----	250,000
Mississippi River between Ohio and Missouri Rivers: Chain of Rocks-----	9,000,000
Regulating works-----	750,000
Mississippi River between Missouri River and Minneapolis (exclusive of St. Anthony Falls)-----	750,000

Iowa:

Missouri River, Kansas City, Mo., to Sioux City, Iowa... \$2,500,000
Mississippi River between Missouri River and Minneapolis. (See same project under Illinois.)

Kentucky:

Cumberland River, Ky. and Tenn.: Cheatham lock and dam... 1,400,000
Ohio River, Ky., W. Va., and Ohio, open-channel work... 250,000

Mr. CANNON (interrupting the reading of the motion). Mr. Speaker, in view of the fact that this has been printed in the RECORD, I ask unanimous consent that the further reading of the motion be dispensed with except for the last paragraph.

Mr. TABER. Mr. Speaker, I did not know about this motion until just a few moments ago. I think the motion should be read in its entirety. Therefore, I object, Mr. Speaker.

(The Clerk continued the reading of the motion.)

CALL OF THE HOUSE

Mr. GAVIN (interrupting the reading of the motion). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that a quorum is not present. The Chair will count. [After counting.] One hundred and ninety-nine Members are present; not a quorum.

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

A call of the House was ordered.

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

[Roll No. 201]

Allen, Ill.	Flood	Murray, Wis.
Allen, La.	Fogarty	Norblad
Anderson, Calif.	Garmatz	Norton
Barden	Gathings	O'Konski
Baring	Gillette	Phillips, Calif.
Barrett, Pa.	Gillmer	Powell
Bates, Ky.	Gore	Rains
Beckworth	Green	Ramsay
Bennett, Mich.	Gregory	Reed, Ill.
Bland	Gwinn	Reed, N. Y.
Blatnik	Harden	Rhodes
Boggs, La.	Harvey	Richards
Bolton, Ohio	Hays, Ohio	Riehlman
Bonner	Hébert	Rogers, Mass.
Bosone	Hill	Roosevelt
Boykin	Hinshaw	Sadowski
Bramblett	Hoeven	Sasser
Brooks	Hoffman, Ill.	Scott
Brown, Ohio	Horan	Hugh D., Jr.
Buckley, N. Y.	Huber	Shaffer
Bulwinkle	Irving	Short
Burnside	Judd	Smathers
Byrne, N. Y.	Kean	Smith, Ohio
Chatham	Keefe	Steed
Chelf	Keogh	Tauriello
Chudoff	Kilburn	Teague
Cole, N. Y.	Kirwan	Thomas, N. J.
Cooley	Klein	Towe
Crawford	Kunkel	Vinson
Crosser	LeCompte	Walter
Curtis	Lovre	Weichel
Davies, N. Y.	Lucas	Werdel
Dawson	McMillan, S. C.	Whitaker
Deane	McMillen, Ill.	White, Calif.
Dingell	McSweeney	Willis
Donohue	Mack, Ill.	Wilson, Tex.
Douglas	Mansfield	Wolcott
Eaton	Martin, Iowa	Wood
Elston	Miller, Nebr.	Woodhouse
Engle, Calif.	Moulder	Worley
Feighan	Multer	
Fellows	Murphy	

The SPEAKER. On this roll call 303 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL FUNCTIONS APPROPRIATION ACT, 1950

The SPEAKER. The Clerk will continue the reading of the motion. The Clerk read as follows:

Louisiana:
Calcasieu River and Pass... \$900,000
Intracoastal Waterway, Apalachee Bay, Fla., to Mexican border (New Orleans district)... 2,500,000
Pearl River, La., and Mississippi River from Empire to Gulf of Mexico... 1,250,000
500,000

Maine:
Cape Porpoise Harbor... 45,500
Josias River... 33,500
Portland Harbor... 206,000

Maryland:
Baltimore Harbor and channels... 650,000
Chester River... 16,400
Honga River and Tar Bay... 42,000

Massachusetts:
Boston Harbor... 400,000
Fall River Harbor... 800,000
Menemsha Creek, Martha's Vineyard... 72,700

Michigan:
Port Sanilac Harbor... 360,000
St. Mary's River:
Power plant... 1,700,000
Navigation features... 1,000,000
Traverse City Harbor... 325,000

Minnesota:
Baudette Harbor... 24,500
Hastings, small-boat harbor at... 34,270
Mississippi River between Missouri River and Minneapolis. (See same project under Illinois.)
St. Anthony Falls... 1,717,000
Two Harbors (Agate Bay)... 1,000,000

Mississippi: Pearl River, Mississippi, and La. (See same project under Louisiana.)

Missouri:
Missouri River, Kansas City to the mouth... 2,250,000
Mississippi River between Ohio and Missouri Rivers. (See same project under Illinois.)
Mississippi River between Missouri River and Minneapolis. (See same project under Illinois.)
Missouri River, Kansas City to Sioux City. (See same project under Iowa.)

Montana: Missouri River at Fort Peck... 2,500,000

Nebraska: Missouri River, Kansas City to Sioux City. (See same project under Iowa.)

New Jersey:
Newark Bay, Hackensack and Passaic Rivers... 800,000
New York and New Jersey channels... 1,260,000
Shark River... 150,000

New York:
Buffalo Harbor... 550,000
Dunkirk Harbor... 350,000
Great Kills Harbor... 114,500
Hudson River... 100,000
Hudson River Channel... 400,000
New York Harbor, entrance channels and anchorage areas... 412,000
New York and New Jersey channels. (See same project under New Jersey.)

North Carolina: Stumpy Point Channel... 32,500

Ohio:

Cleveland Harbor... \$1,500,000
Ohio River open channel work. (See same project under Kentucky.)

Oregon:

Columbia River at Bonneville... 1,250,000
Columbia and lower Willamette Rivers below Vancouver, Wash., and Portland, Ore... 150,000
Coos Bay... 850,000
Depoe Bay... 400,000
McNary lock and dam, Columbia River, Ore., and Wash... 35,000,000
Umpqua River... 100,000
Yaquina Bay and Harbor... 35,000
Snake River, Ore., and Wash. (See same project under Washington.)

Pennsylvania:

Monongahela River, locks 2... 3,500,000
Schuylkill River (culm removal)... 400,000

Rhode Island:

Harbor of refuge at Point Judith and Point Judith Pond... 160,000
Providence River and Harbor... 190,000
Pawcatuck River, R. I. and Conn. (See same project under Connecticut.)

South Carolina:

Shipyard River... 300,000
Winyah Bay... 400,000

Tennessee: Cumberland River, Ky. and Tenn. (See same project under Kentucky.)

Texas:

Clear Creek and Clear Lake... 54,700
Galveston Harbor... 175,000
Houston ship channel... 800,000
Intracoastal waterway, Apalachee Bay, Fla., to the Mexican border (Galveston district): Harlingen, channel to... 550,000
Sabine-Neches waterway... 750,000
Trinity River... 687,000

Virginia:

Bransons Cove, lower Machodoc River... 28,600
Norfolk Harbor... 500,000
York Spit Channel... 400,000

Washington:

Chief Joseph Dam, Columbia River... 5,000,000
Grays Harbor and Chehalis River... 650,000

Columbia River at Bonneville. (See same project under Oregon.)

Columbia and lower Willamette Rivers, Wash. and Ore. (See same project under Oregon.)

McNary lock and dam, Columbia River, Ore. and Wash. (See same project under Oregon.)

West Virginia:

Morgantown lock and dam, Monongahela River... 2,800,000
Ohio River open channel work. (See same project under Kentucky.)

Wisconsin:

Ashland Harbor... 45,000
Port Wing Harbor... 20,000

PLANNING

Alabama:

Alabama-Coosa Rivers, Ala. and Ga... 200,000
Upper Columbia Lock and Dam, Ala. and Ga., Chattahoochee River... 200,000

Arkansas:

Arkansas River and tributaries, Arkansas and Oklahoma... 500,000

Arkansas—Continued

Overton-Red River waterway, Arkansas and Louisiana	\$50,000
California: Halfmoon Bay	75,000
Florida: New River	10,000
Illinois: Calumet-Sag Channel	100,000
Kentucky: Dover Lock and Dam	116,000
Michigan:	
Au Sable River	8,000
Hammond Bay Harbor	22,000
Harrisville Harbor	24,000
Point Lookout Harbor	20,000
Texas: McGee Bend Dam, Angelina River	200,000
Virginia: Norfolk Harbor, disposal area	50,000
Washington: Lower Monumental Lock and Dam, Snake River	225,000

OTHER ITEMS

Maintenance	53,000,000
Operating and care	22,000,000
Examinations and surveys	1,200,000
Contingencies	1,300,000
Removing sunken vessels	300,000
Survey of northern and northwestern lakes	310,000
Prevention of debris in New York Harbor	360,000
California Debris Commission	15,000
Salaries, Office, Chief of Engineers	575,000
Printing for River and Harbor Board	40,000
River and Harbor Board expenses	440,000
Beach Erosion Board expenses	600,000
Work under sec. 3, River and Harbor Act, Mar. 2, 1945	300,000
Transfer to U. S. Geological Survey	200,000
Transfer to Fish and Wildlife Service	1,200,000

Flood control
CONSTRUCTION

Arkansas:	
Bayou Bodcau Reservoir, Ark. and La. (See Louisiana.)	
Blakely Mountain Reservoir	2,300,000
Blue Mountain Reservoir	35,700
Bull Shoals Reservoir, Ark. and Mo.	12,777,500
Carden's Bottom drainage district No. 2	270,000
Conway County levee districts Nos. 1, 2, and 8	96,000
Conway County levee district No. 6	11,000
Crawford County levee district	300,000
Little Rock to Pine Bluff	333,000
Narrows Reservoir	3,460,000
Nimrod Reservoir	59,500
Norfolk Reservoir, Ark. and Mo.	744,100
Red River levees and bank stabilization below Denison Dam, Ark., Tex., and La.	520,900
West of Morrilton	595,300
California:	
Cherry Valley Reservoir	520,900
Farmington Reservoir	1,700,000
Folsom Reservoir	3,100,000
Isabella Reservoir	2,350,000
Los Angeles County drainage area (exclusive of Whittier Narrows Reservoir)	6,500,000
Merced County stream group	175,000
Pine Flat Reservoir	7,000,000
Sacramento River and major and minor tributaries	600,000
Whittier Narrows Reservoir	4,000,000
Colorado:	
Cherry Creek Reservoir	900,000
John Martin Reservoir	100,000
Connecticut:	
Hartford	70,000
Norwich	290,000

Florida: Central and southern	\$1,500,000
Georgia:	
Allatoona Reservoir	6,750,000
Clark Hill Reservoir, Ga. and S. C.	13,000,000
Macon	240,000
Idaho:	
Helse Roberts area	250,000
Lucky Peak Reservoir	3,000,000
Illinois:	
Coal Creek drainage and levee district	547,000
Columbia drainage and levee district	372,100
East St. Louis and vicinity	520,900
Farm Creek Reservoir	1,860,200
Grand Tower drainage and levee district	669,700
Mounds and Mound City	450,000
Prairie du Rocher and vicinity	700,000
Preston levee and drainage district	200,000
Reevesville	100,000
Rosclaire	250,000
Wood River drainage and levee district	425,000
Indiana:	
Cagles Mill Reservoir	2,500,000
Cannelton	250,000
Delphi	80,000
Indianapolis (Fall Creek section)	750,000
New Albany	1,600,000
Iowa:	
Chariton River, Mo. and Iowa. (See Missouri.)	
Coralville Reservoir	2,455,500
Dry Run	355,000
Little Sioux River	372,100
Missouri River agricultural levees. (See Kansas.)	
Kansas:	
Fall River Reservoir	250,000
Hulah Reservoir, Okla. and Kans. (See Oklahoma.)	
Kanopolis Reservoir	218,000
Kansas City, Mo. and Kans.	5,000,000
Missouri River agricultural levees, Kansas, Missouri, Iowa, and Nebraska	5,952,700
Kentucky:	
Ashland	744,100
Covington	1,041,700
Dale Hollow Reservoir, Tenn. and Ky. (See Tennessee.)	
Dewey Reservoir	900,000
Hawesville	650,000
Louisville	4,092,500
Maysville	744,100
Newport	2,200,000
Russell	185,000
Taylorsville	45,000
Uniontown	120,000
Wolf Creek Reservoir	15,030,700
Louisiana:	
Aloha Rigolette area	500,000
Bayou Bodcau Reservoir, Ark. and La.	360,000
Jonesville	105,000
Lake Pontchartrain	540,000
Mermentau River	1,500,000
Red River levees and bank stabilization below Denison Dam. (See Arkansas.)	
Shreveport	825,000
Maryland:	
Cumberland, Md., and Ridgeley, W. Va.	744,100
Savage River Reservoir	1,265,000
Massachusetts:	
Adams	350,000
Birch Hill Reservoir	40,000
Holyoke	240,000
North Adams	350,000
Riverdale	450,000
Tully Reservoir	130,000
Michigan:	
Mount Clemens	270,000
Ren Run	500,000

Minnesota:

Red Lake and Clearwater Rivers	\$1,116,100
Red River of the North, S. Dak., N. Dak., and Minn.	744,100
Missouri:	
Chariton River, Mo. and Iowa	400,000
Clearwater Reservoir	60,000
East Poplar Bluff and Poplar Bluff	85,000
Kansas City, Mo. and Kans. (See Kansas.)	
Missouri River agricultural levees. (See Kansas.)	
Norfolk Reservoir, Ark. and Mo. (See Arkansas.)	
Perry County levee districts 1, 2, and 3	744,100
Nebraska:	
Harlan County Reservoir	11,250,000
Missouri River agricultural levees. (See Kansas.)	
Missouri River, Kenslers Bend, Nebr., to Sioux City, Iowa	380,000
Omaha	1,500,000
New Hampshire: West Peterboro Reservoir	330,000
New Mexico: Conchas Reservoir	35,000
New York:	
Almond Reservoir	200,000
Arkport Reservoir	30,000
East Sidney Reservoir	800,000
Elmira	1,475,000
Hoosick Falls	350,000
Mount Morris Reservoir	4,836,600
Olean	744,100
Portville	520,900
Syracuse	600,000
Whitney Point Reservoir	290,000
North Carolina: Buggs Island Reservoir, Va. and N. C.	15,500,000
North Dakota:	
Baldhill Reservoir	210,000
Garrison Reservoir	27,500,000
Homme Reservoir	475,000
Mandan	36,000
Oahe Reservoir, S. Dak. and N. Dak. (See South Dakota.)	
Red River of the North. (See Minnesota.)	
Ohio:	
Burr Oak Reservoir	1,150,000
Cincinnati	650,000
Delaware Reservoir	900,000
Dillon Reservoir	1,277,600
Ironton	215,000
Massillon	1,860,000
Muskingum River Reservoirs	1,550,000
West Fork of Mill Creek Reservoir	1,041,700
Oklahoma:	
Canton Reservoir	165,000
Denison Reservoir, Tex. and Okla.	650,000
Fort Gibson Reservoir	12,000,000
Fort Supply Reservoir	116,500
Great Salt Plains Reservoir	31,000
Hulah Reservoir, Okla. and Kans.	4,248,000
Polecat Creek	900,000
Tenkiller Ferry Reservoir	5,500,000
Wister Reservoir	77,500
Oregon:	
Cottage Grove Reservoir	140,000
Detroit Reservoir	9,500,000
Dorena Reservoir	2,500,000
Fern Ridge Reservoir	190,000
Lookout Point Reservoir	9,500,000
Milton Freewater	640,000
Willamette River (bank protection)	450,000

Mr. CANNON (interrupting the reading of the motion). Mr. Speaker, I ask unanimous consent to withdraw my motion.

Since this motion was introduced we have had a message from the Senate asking for a conference. In view of that fact we would rather suspend action on it at this time, and I ask unanimous consent to suspend further proceedings under the motion.

Mr. HOFFMAN of Michigan. Mr. Speaker, reserving the right to object, is this an economy move on the gentleman's part? I have had several letters asking me to get behind the gentleman's economy move, and I just want to know if this is a part of his drive for economy.

Mr. CANNON. It is entirely in the interest of economy.

The items tabulated in the motion are \$90,000,000 under the Senate figures, and the ultimate cost of the remainder of the bill is half a billion dollars under the Senate amendments.

Mr. HOFFMAN of Michigan. I thank the gentleman.

The SPEAKER. The gentleman from Missouri [Mr. CANNON] asks unanimous consent to withdraw his motion. Is there objection?

There was no objection.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following communication, which was read:

SEPTEMBER 26, 1949.

HON. SAM RAYBURN,
Speaker, House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: Due to the many pressing obligations I have at this time which will preclude, and which from time to time in the past have precluded, my actively participating in the activities of the United States Territorial Expansion Memorial Commission, I should like to tender my resignation from the committee, effective as of this date.

Let me take this occasion to commend the members for the fine job they are doing, and wish them well in their future undertakings on behalf of the Commission.

With warm personal regards, I am

Sincerely yours,

ALBERT THOMAS.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ADDITIONAL BENEFITS FOR CERTAIN POSTMASTERS, OFFICERS, AND EMPLOYEES IN THE POSTAL FIELD SERVICE

Mr. SABATH. Mr. Speaker, I call up House Resolution 319 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the day succeeding the adoption of this resolution, a special order be, and is hereby created by the House of Representatives for the consideration of H. R. 4495. That on said day the Speaker shall recognize the Representative from Pennsylvania, ROBERT J. CORBETT, to call up H. R. 4495, a bill to provide additional benefits for certain postmasters, officers, and employees in the postal field service with respect to annual and sick leave, longevity pay, and promotion, and for other purposes, as a special order of business, and to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of said H. R. 4495. After general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the Member of the House requesting the rule for the consideration of

said H. R. 4495 and the Member of the House who is opposed to the said H. R. 4495, to be designated by the Speaker, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill, and the amendments thereto, to final passage, without intervening motion, except one motion to recommit. The special order shall be a continuing order until the bill is finally disposed of.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"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 the bill (H. R. 4495) to provide additional benefits for certain postmasters, officers, and employees in the postal service with respect to annual and sick leave, longevity pay, and promotion, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill 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."

Mr. SABATH. Mr. Speaker, this is the postal employees' pay bill. Notwithstanding the fact that a majority of the Members have signed a petition to bring this bill before the House, I feel that many Members are not familiar with all of its provisions. I appreciate that they are extremely busy on other very important matters. Therefore I have gone to the extent of going over the provisions of the bill in order to inform the Members what it actually provides.

In the first place we will take 1 hour on the rule and then have 2 hours for general debate. After that the bill will be considered under the 5-minute rule.

Section 1 of the bill increases annual leave of employees, postmasters, and officers from 15 days to 20 days. Cost, \$25,700,000.

Section 2 provides advancement in grades for employees not now covered by law. It covers 50,000 custodial employees, elevator conductors, special-delivery messengers, and others. Cost is estimated at \$8,000,000 annually.

Section 3 (a) and (b) increases entrance salary for clerks and carriers from \$2,550 to \$2,900.

An employee with less than 1 year service will receive an increase of \$350 a year.

An employee with 2 years of service will receive an increase of \$250 a year.

Promotions are provided for all employees who served prior to July 1, 1945.

Total employees affected by section 3 is 61,525 and the total cost of this section will be \$38,250,000.

Section 4 provides for \$150 per annum increase for employees, officers, and postmasters and affects 516,000 employees, including substitutes.

Section 4 also provides for a 5-cents per hour increase of hourly part-time employees, which takes in substitutes and temporary employees, charwomen, and others. Postmasters will receive a 5-percent increase in their annual salaries.

Total cost of section 4 is \$75,000,000 annually.

Section 5 provides allowance of \$100 annually for uniforms for carriers, elevator conductors, and special-delivery boys. One hundred and twenty-five thousand employees are affected and the estimated cost is \$12,500,000.

The total annual cost of this legislation is \$159,450,000.

Mr. Speaker, the consideration of this bill has been delayed for the reason that there was a great deal of objection to these increases. The Civil Service Commission, the Post Office Department, as well as the Bureau of the Budget made objection to some of the provisions and they thought, and our committee believed, that the committee having jurisdiction of this matter should try to include in the bill provisions for increased rates to reduce the tremendous deficit in the Post Office Department. Unfortunately, the deficit for 1948 is \$533,932,000, made up as follows:

The second-class mail, publications, newspapers, magazines, and so forth, cost the Government \$223,861,000 above what the users pay for the service.

Third-class mail, which includes parcel-post packages, 8 ounces and under, costs the Government \$118,231,000 more than is received in revenue.

Parcels post, covering material over 8 ounces, catalogs issued by mail-order houses and large chain stores, books, heavier packages, and so forth, shows a deficit of \$107,992,000. Controlled circulation publications show a deficit of \$580,000.

Special services, which include special delivery, money orders, postal notes, registered mail, insured mail, and c. o. d. mail show a deficit of \$90,701,000.

The total deficit for 1948 was \$533,972,000, as I stated before.

The Committee on Rules was of the opinion, and urged, that the Committee on Post Office and Civil Service bring in a bill making increases in the postal rates in order to bring about a reduction in this great deficit.

There is great opposition to increasing rates on parcel-post packages, as well as to the increases for other services which the Department feels are warranted and justifiable in order to reduce this huge deficit. When the proposal to inaugurate parcel-post service was advanced under the leadership of Mr. David Lewis, of Maryland, with whom I cooperated wholeheartedly, the express companies were mulcting American shippers with excessive charges for their service. This brought about the adoption of legislation, in 1916, creating the parcel-post service in the Post Office Department over the most strenuous opposition of the three or four express companies then operating.

It was designed to facilitate the shipment of small packages by the independent businessman to the average American family. It was immediately seized upon by the rapidly growing mail-order houses and large chain stores until today they are the chief beneficiaries of this low-cost means of shipping, as well as of the huge deficit now suffered by the Post Office Department in the conduct of this service and paid for by the taxpayer.

Today a 15-pound package shipped from New York to Boston requires 41 cents postage; the express rate is \$1.24. The same package shipped from New York to San Francisco requires \$1.78 postage; the express rate is \$3.10.

We should take into consideration the fact that these benefits inure, to a great extent, to large corporations who are making tremendous profits from the savings they make over the rates they would be obliged to pay the privately operated express companies. These large corporations are strenuously opposing the slight increase proposed in parcel-post rates.

The cost to the Government of carrying the hundreds of magazines that enter the mails is roughly \$190,000,000. When you examine these magazines you find that 90 percent of their content is high-powered advertising. These magazines are detrimental to the small independent businessman and manufacturer who cannot afford to pay \$1,000 to \$2,000 a page for advertising. In his limited field of operation it does not justify him to advertise in these national circulation outlets. Yet, he is required to meet the competition of these giants who utilize this service. The general public does not derive any benefit whatever.

The mail-order houses and large chain stores advertise in these high-cost magazines, first, to get their products and their name before the public, and second, because they can reduce their income taxes at the expense of the Government by charging it to the cost of doing business and adding it to the cost of their product, and at the same time deducting it from their income taxes. The advertising does not cost them anything; the Government and the public pay for it—the taxpayer carries the load.

Naturally, I am not in favor of large increases on publications issued by religious, scientific, educational, and fraternal organizations, but I have maintained, and I maintain now, that the beneficiaries of such advertising and the owners of these large publications, who are the first to criticize Government expenditures and demand reduction in taxes, should be charged postal rates that will at least meet the cost of the service rendered. Due to the influence they have been able to exert they have prevented the establishment of equitable rates for the wonderful service that has been rendered by the greatest governmental agency we have. The postal service is extremely efficient and economical in its operation, especially under this Democratic administration.

Many of you can recall when, under Republican administration, tremendously high prices were paid for land and for the construction of post offices, and also

the collusion on the part of the Department at that time with the real-estate operators that increased the rental on leased post offices from 50 to 100 percent. I am sure some Members still remember the scandal that attended the St. Paul post-office lease where the rental received in 3 years was twice the actual cost of construction of the building leased. There were many similar cases but time does not permit me to mention them.

I, for one, am indeed proud of the splendid record of this great institution under, as I stated, this Democratic administration.

It was in the hope, as I said earlier, that the Post Office and Civil Service Committee would include provisions in this bill for increases in second-, third-, and fourth-class rates, that the granting of a rule was postponed a few weeks. I fully appreciate that my demands for the increase of rates on these magazines will not be viewed with favor, but I feel it my duty to call attention to these facts so that the postal employees—whom I firmly believe agree with my viewpoint—would understand the real issues involved. I want these great publications to pay fair rates for the splendid services they are receiving—not to bring about profit to the Government, but that the actual cost of the service be met.

I have served too long not to realize that anyone trying and doing what he believes his duty is subjected to criticism, but I feel that I have only performed my solemn duty to the people who have so many times elected and reelected me, and to my country, which more than offsets the criticism on the part of even those who have found fault with the delay in bringing this bill to the floor. And this criticism will not deter me in the future from doing what I consider is right and just. As to these various organizations of postal workers may I say humbly that I have, during all the years of my service, been extremely fair in aiding, advocating, and voting for legislation in their behalf.

This is an important bill to postal workers. I regret it is impossible to secure action on several other bills affecting postal employees, one of which is H. R. 87. Personally, I have always favored a fair and reasonable living wage or salary to all employees. I have not deliberately or willfully delayed the rule for the consideration of H. R. 87, as chairman of the Committee on Rules. My record speaks for itself. I have always supported and been sympathetic toward legislation in the interest of postal employees. But they must realize they cannot, all at once and in these trying days, get all they have asked for. In conclusion I wish to say that I believe in economy and efficiency, but I also believe in fair compensation and living wages, especially when it concerns the men who served with courage during the last war.

I want to congratulate the Committee on Post Office and Civil Service upon the work it has done. I know their trials and tribulations. They were confronted with the same problems that we were. I have been attacked, assailed, condemned, and criticized, but as I said before, I feel that I have done my duty by the House

of Representatives, by my country, and also by these people who are attacking and assailing me.

Mr. Speaker, I am in favor of the rule. I hope the rule will be adopted. Due to a meeting of the Committee of Rules this afternoon, it may not be possible for me to be on the floor when the final vote on this bill is taken. I want to take this opportunity to state that I am in favor of the passage of this bill and intend to so vote unless I am detained in committee.

I now yield 30 minutes to the gentleman from Massachusetts [Mr. MARTIN] and reserve the balance of my time.

Mr. MARTIN of Massachusetts. Mr. Speaker, I am in favor of the rule and the bill which it brings to the consideration of the House. I know of no opposition to it.

Mr. Speaker, I reserve the balance of my time.

Mr. SABATH. Mr. Speaker, I yield such time as he may require to the gentleman from New York [Mr. ROONEY].

Mr. ROONEY. Mr. Speaker, it is my sincere hope that this House will overwhelmingly and immediately pass the pending resolution which makes in order the bill, H. R. 4495 providing additional benefits for our loyal and efficient postal employees with respect to their annual leave, longevity pay, increased compensation, and promotions.

It surely is high time that something is being done and some steps are being taken to grant these employees some increase in pay, however modest, and other necessary additional benefits.

I submit that postal employees should no longer be forced to seek extra jobs in order to eke out an adequate income for the support of their wives and families. The continued increase in living costs has placed a serious burden on these faithful public servants and in far too many instances it has been necessary for their wives to seek employment in order to supplement to some extent their family budget. This is in my opinion a most deplorable situation and the only partial remedy for it is prompt action on this legislation. H. R. 4495 would at best modestly reward our postal workers who daily perform such indispensable tasks for the citizens of every State in the Union.

Let us immediately pass this rule and proceed to consideration of H. R. 4495 so that we may have a favorable vote on final passage before the afternoon is out. It is the least we can do for the most efficient group of employees in Government service.

Mr. SABATH. Mr. Speaker, I now yield to the gentleman from Texas [Mr. LYLE], who I understand originally drafted the bill and helped the committee tremendously. He is not seeking any special credit for the splendid work which he has done, but I feel we should hear from him. I yield to the gentleman from Texas [Mr. LYLE] such time as he may require.

Mr. LYLE. Mr. Speaker, I take this time to say that I favor the rule and favor the bill.

I am worried about one thing. Oftentimes, in our enthusiasm to do some-

thing for the postal workers, we injure them. I sincerely believe that it is in the interest of the postal employees that there should be no attempt made to enlarge the scope of this bill. It is difficult enough in times like this to pass constructive legislation that will be helpful to Federal employees. I fear that if, in our enthusiasm, we attempt to go further than this bill, we will only hurt the postal employees.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. LYLE. I yield.

Mr. HOFFMAN of Michigan. I have been looking at the report. Am I correct in assuming that the Post Office Department, the Bureau of the Budget, and the Civil Service Commission are all against this bill?

Mr. LYLE. That is my understanding.

Mr. HOFFMAN of Michigan. Yet the committee is in favor of it?

Mr. LYLE. Well, I am very proud of this Congress, that it is not run by the Civil Service Commission or the Post Office Department or by the executive departments.

Mr. HOFFMAN of Michigan. Then, am I correct in assuming that, for once at least, in the history of the Eighty-first Congress we find three departments advocating an economy move and the Congress ignoring their suggestion?

Mr. LYLE. I cannot say whether you are correct or not, but I think this Congress has the wisdom to know whether or not it wants this type of legislation. I do think that the reports of the bureaus are often helpful, but the day that they become controlling on the Congress we have given up the rights of the people.

Mr. HOFFMAN of Michigan. Then if the Members of Congress want to get the greatest political benefit out of this legislation, should we not wait until 1950, when the campaign is on? If a vote is to produce political support, should it not be cast just before election?

Mr. LYLE. The gentleman must do what he thinks best. I am thinking about the postal employees and I am thinking about the country; not elections.

Mr. HOFFMAN of Michigan. That is an alibi always available.

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

Mr. LYLE. I yield.

Mr. SABATH. I take it that this committee and this House does not want to play politics with this important legislation. All they are trying to do is to aid underpaid employees, and at the same time bring about increased revenues from the second-, third-, and fourth-class services.

Mr. LYLE. That is correct.

Mr. Speaker, I urge the adoption of the rule and the adoption of the bill.

Mr. SABATH. Mr. Speaker, I move the previous question on the resolution as amended.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution was agreed to.

Mr. MURRAY of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for con-

sideration of the bill (H. R. 4495) to provide additional benefits for certain postmasters, officers, and employees in the postal field service with respect to annual and sick leave, longevity pay, and promotion, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 4495, with Mr. SIKES in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the terms of the resolution, the gentleman from Tennessee [Mr. MURRAY] is recognized for 1 hour; and the gentleman from Kansas [Mr. REES] is recognized for 1 hour.

The gentleman from Tennessee.

Mr. MURRAY of Tennessee. Mr. Chairman, I yield myself such time as I may desire, and I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MURRAY of Tennessee. Mr. Chairman, this bill amends, in certain respects, Public Law 134, a reclassification postal bill passed by the Congress in the Seventy-ninth session in July 1945. It is not a general reclassification bill. It is just an amendment to the present reclassification bill.

I might say that when Public Law 134 was passed in 1945 it was the first general reclassification of the postal salary structure since 1925, a period of 20 years.

I wish first briefly to discuss the provisions of this bill: Section 1 increases the annual leave of postal employees from 15 days to 20 days, with a maximum of accrued leave of 60 days.

Section 2 provides three additional grades for all postal employees for longevity purposes, who were not granted such grades under Public Law 134. This section, which will give longevity grades, three in number, of \$100 increase for each grade to employees who do not now have any longevity grades or who have only two longevity grades, will affect about 50,000 employees, including principally custodial employees, special-delivery messengers, employees in the Division of Equipment and Supplies, and clerks in third-class offices. Groups of employees, such as clerks, city letter carriers, and motor-vehicle employees, railway mail clerks, and rural carriers already have three longevity or meritorious grades, and for that reason they are not affected by section 2 of this bill.

Longevity grades are for long, faithful service. Under Public Law 134 various postal employees are grouped in certain automatic grades with the exception of postmasters and supervisory employees. For instance, the clerk and city carrier groups which comprise about 325,000 employees or about two-thirds of all the postal employees have 11 automatic grades; rural carriers have 11 automatic grades; the motor vehicle service employees have the same number of grades. Some of the other groups have six, seven, eight, and nine grades. These longevity grades amount to this: After

an employee has been in the top automatic grade of his group for 3 years he then receives No. 1 longevity grade. After he stays in No. 1 longevity grade for 5 years he then receives No. 2 longevity grade. After he serves in longevity grade No. 2 for 7 years he then advances to No. 3 meritorious or longevity grade. Each longevity grade carries an increase of \$100 in salary.

The cost of this provision, section 2, will be about \$8,000,000. As an example, under this section which gives longevity grades to those employees who have no longevity grades or have only two longevity grades let us take the special-delivery messenger who today has no longevity grades. His group has nine automatic grades. His starting salary now is \$2,450. Under present law they will reach the ninth automatic grade which carries a salary of \$3,250. Then by spending the requisite number of years in the service they will get three additional longevity grades and their salary will then be \$3,550. This bill also gives a general increase of \$150 to all employees, so that would make the top salary of the special messenger \$3,700. I will give you another example of the operation of section 2: Laborers, head charmen, and head charwomen have seven automatic grades under present law; they start at a salary of \$2,150. When they reach the seventh automatic grade their salary is \$2,750. Under this bill they will have three longevity grades in addition. When the laborers, head charmen and head charwomen reach the third longevity grade they will get the salary increase of \$150 under this bill a salary of \$3,200.

Section 3 provides that employees appointed to a regular position will go to grade 3 and that employees now in either grade 1 or 2 will advance to grade 3. This provision will cost \$13,000,000.

In other words, this bill starts every employee who is in an automatic grade up to the third grade, which means an increase of \$200 to the starting employee. Then in addition too, the bill gives him an increase of \$150 in salary which means that the starting salary of the employee will have a \$350 increase. If an employee now is in his first year, in grade 1, this bill puts him to grade 3. Thereby his salary will be increased \$200 by the promotion to grade 3 and also with the \$150 general increase under this bill his increase will be \$350. Employees now in grade 2 will get a salary increase of \$250. Employees who are in automatic grade 3 or higher automatic grades will get an increase of \$150 under this bill.

The bill also provides that employees in the postal service may count all service before July 1, 1945, in figuring their promotion to the three longevity or meritorious grades. This will cost \$25,250,000 per year.

In other words, by giving these employees who have served a long number of years credit for their past service, any clerk or carrier in a first- or second-class post office with 23 years or more service today will be immediately entitled to be placed in the top meritorious grade, the salary of which will be \$4,000, which will give them an immediate increase of \$450.

Section 4 of the bill provides an increase of \$150 for all postal employees with the exception of fourth-class postmasters who get a 5-percent increase, and hourly and substitute employees who will get an increase of 5 cents per hour. This section will cost around \$75,000,000.

Section 5 provides that employees who are required to wear uniforms, such as city carriers, will be furnished uniforms up to the amount of \$100 per year by the Postmaster General. At the present time those employees of the postal service who are required to wear uniforms must pay for their own uniforms.

These are the general provisions of the bill that has been reported out. After the bill was reported out, the committee decided to offer an amendment to the bill on the floor of the House which would provide three meritorious grades for all postmasters and supervisory employees after 13 years', 18 years', and 25 years' service, respectively. In other words, a supervisor who is an assistant postmaster or who is a foreman or who is a superintendent of mails or who is superintendent of the postal finance or money orders, if he has been in the postal service for 25 years, under this bill gets an increase of \$450, which consists of \$300 for the three longevity grades and \$150 salary increase. Many of the supervisors have performed a long service. They have come up from the ranks. They started out as clerks and carriers and have been promoted to supervisory positions. Many of them already have 25 years' service. If they do they will get an increase of \$450 under this bill. For 18 years' service they will get an increase of \$350 and for 13 years' service they will be given an increase of \$250.

The cost of this bill with the committee amendment, which gives longevity grades to postmasters and supervisors, is estimated by the Post Office Department at \$167,500,000.

The bill as reported by the committee is different from the bill as introduced. The bill as introduced provided that the postal employees should have 26 days annual leave and 15 days sick leave. Our committee provided 20 days annual leave and left the sick leave at 10 days.

The bill provided that the first four grades should be eliminated. Our committee decided to eliminate only the first two grades.

The bill provided that all efficiency ratings should be eliminated. Our committee removed that from the bill.

The bill also provided for four longevity grades. Our committee cut that down to three longevity grades.

The bill originally introduced did not provide increases for fourth-class postmasters and hourly substitute employees, and our committee made allowance for fourth-class postmasters and such employees as already described. The original bill would have cost \$237,000,000—and our committee has revised it so as to reduce the cost to \$167,000,000.

This bill carries various raises for different employees, as I have stated. All employees, except fourth-class postmasters and your hourly employees, will get at least \$150 increase. Other employees who are now in the first grade

will get \$350 increase. Employees in the second grade will get \$250 increase. All postmaster supervisors who have been in the service 25 years will get \$450 increase. New employees will have a starting salary at an increase of \$350.

I now wish to make some references to the history of this legislation. During the present session over 60 bills providing various salary increases and sundry benefits for postal employees have been introduced in the House. The proposed salary increases ranged from \$1,100, \$800, \$650, and downward. Our committee appointed a subcommittee to consider these sixty-odd bills, the maximum cost of which would have been over \$1,500,000,000. Our subcommittee consisted of nine members. I was the chairman of the subcommittee. We had hearings for several weeks on these many bills. We were trying to go about the matter in a sensible manner and were endeavoring to write a bill that would be fair, just, and equitable, but right in the midst of the hearings a discharge petition was filed in the House to discharge our committee from the consideration of H. R. 4495, the bill now under consideration. Two hundred and eighteen Members of the House saw fit to sign this discharge petition and, mind you, when the 218 Members signed that discharge petition the bill contained many more benefits than the bill as finally reported out by the House committee.

What was the situation then? Two hundred and eighteen Members had signed the petition to discharge our committee. What else could your subcommittee do except to try to reach some kind of hurried decision and report out a bill on account of the discharge petition. The subcommittee reported out to the full committee a bill calling for \$100 increase to all employees and providing for the elimination of the first two grades. It had nothing about longevity grades; it had nothing about increases in annual leave, and when the report of the subcommittee was made to the full committee, giving only these two benefits—the \$100 increase and the elimination of the first two grades—the full committee refused to approve the report of the subcommittee and added these other additional benefits which I have enumerated.

The report of the subcommittee is the same as the bill in the other body today. The bill reported out by the Post Office and Civil Service Committee in the other body provides only for \$100 increase and the elimination of the first two grades.

I regret that our committee was not given proper time to bring out a more equitable, more thorough, and a better considered bill than we have here before us today due to the 218 Members signing the discharge petition. It is unfortunate that we were unable to report out a general reclassification postal bill removing any inequities, injustices, or inequalities in the Postal Classification Act of 1945. I am sure that if we had been given appropriate time we could have brought out a much better bill and one that would have been much fairer.

This is the position the Postmaster General, the Director of the Budget, and

the Civil Service Commission took all along: "They said that they were opposed to any further flat increases since the flat increases which Congress has already given have distorted and unbalanced the entire classification structure." They favored a general revision of the Postal Classification Act of 1945, removing inequities and inequalities therein.

Let us see what we have given the postal employees in the way of benefits. By the passage of Public Law 134 in 1945 we gave practically all employees an increase of \$400. The supervisory employees and the postmasters in the higher brackets received more than that. Then, in 1946, we gave them another \$400 increase across the board, and this last year we gave them another flat increase of \$450. This makes three across-the-board flat increases, amounting to \$1,250. In addition, these employees have received at least two automatic promotions in the service, and, today, the great majority of postal employees have received at least an increase of \$1,450 since July 1, 1945.

A city carrier or a clerk who was drawing \$2,100 in 1945 is now drawing \$3,550. Under this bill, when the clerk or carrier serves the required time for the longevity grades, the salary will be \$4,000. A clerk or carrier who was receiving \$1,700 in 1940 is now receiving \$3,550 without the increase in this bill; all postal employees have received from 60- to 65-percent increases since 1945.

I am sorry our committee could not be granted the time to bring out a better considered bill on account of the discharge petition. This is a makeshift bill. What do all of these flat increases across the board since 1945 do to our classification structure? They absolutely make the scales out of balance as far as the classification is concerned. When you give \$1,250 in flat salary increases to every employee from the top to the bottom, except the fourth-class postmasters and hourly employees, which we have done since 1945, do you not know that by doing so you have unbalanced the classification picture? Do you not know that if we are to have a proper classification structure we should first evaluate the duties of the positions and the responsibilities of the positions? Do not the members of the committee agree that when you give the lowest one of the employees \$1,250 and the top one \$1,250 without regard to the duties and responsibilities and importance of their positions, you are then throwing out of kilter and balance altogether the classification structure?

The Postmaster General came before our subcommittee and said specifically that our committee should take the time to draft a revision of Public Law 134 for the purpose of wiping out any inequities and inequalities. But we have not been given time to do that.

I wish I were here presenting a bill to the House that was a thorough reclassification of Public Law 134, instead of this makeshift bill today. You see the situation in which the committee has been. We had to take hasty action and bring out this compromise bill after 218 Members of the House had signed a petition

discharging our committee from further consideration of the bill. I felt that our committee should act in a hurry and bring out some kind of a bill before the discharge petition could be brought up under the rules of the House.

Mr. WITHROW. Mr. Chairman, will the gentleman yield?

Mr. MURRAY of Tennessee. I yield.

Mr. WITHROW. I have listened to the gentleman's statement very carefully. I would like to know whether the gentleman, as chairman of the committee is opposed to this bill or in favor of it.

Mr. MURRAY of Tennessee. I say it is not a well-considered bill. I say I regret the committee did not have time to bring out a bill thoroughly revising the classification law of 1945 so as to remove the inequities. I say I think we have been extremely liberal with our postal employees during the last 4 or 5 years with regard to salary increases.

Mr. WITHROW. Are you opposed to the bill?

Mr. MURRAY of Tennessee. I do not like all provisions of the bill but I am going along with the committee. My position on this is that I think it is my duty as chairman of the committee to present to you the arguments and views of those who are in favor of the bill and those who do not like the bill in its entirety so that the committee may have both sides in considering what action should be taken.

Mr. FULTON. Mr. Chairman, will the gentleman yield for a question?

Mr. MURRAY of Tennessee. I am glad to yield to the gentleman.

Mr. FULTON. Is it not true that this bill was first filed in January of this year and that therefore the committee has had since January of 1949?

Mr. MURRAY of Tennessee. Oh, the gentleman is so wrong. The bill was filed in May of this year.

Mr. FULTON. I understand further that the subcommittee having jurisdiction of this bill did not even meet prior to the filing of the discharge petition at the desk.

Mr. MURRAY of Tennessee. The subcommittee met within a few weeks after this bill was introduced and held hearings for at least a month before the discharge petition was filed.

Mr. FULTON. May I ask the gentleman, then, would he check with his committee, because I was advised from the committee that that was the case, so that if you are saying one thing as chairman of the committee, might it not be wise to poll your committee members who have said otherwise?

Mr. MURRAY of Tennessee. I do not think that is necessary because I stand upon my statement I make as chairman of this committee.

Mr. REES. Mr. Chairman, I yield myself 10 minutes.

The chairman of the committee has made a clear analysis of this bill. He has given you a brief history leading up to its consideration today. I should like to add that the chairman of our committee gave all parties who wanted to be heard a chance to express their views on this bill. With all deference, I want to say there has been considerable mis-

understanding with regard to hearings on this proposed legislation.

I believe the record will show that hearings on this bill began June 28, 1949. It might be well to note that about 70 or 80 Members of Congress appeared before our committee and testified in support of it. The amended bill before you today does not meet all requests of those employed in the postal service. I do think, however, that this measure is fair and equitable, and with amendments that I shall offer, the bill should be approved by the House.

In view of statements that have just been made, I think a little further discussion with respect to the history of this bill will be helpful. The original H. R. 4495 was introduced in the House on May 3, 1949. It had the approval of the legislative representatives of the post-office clerks, the carriers, and others employed in the postal service. The representatives of these groups came before our committee and testified in support of the bill as written.

About the only major changes requested were made by the supervisors who were not, as they believed, sufficiently covered under the terms of the bill. As I have stated, the original H. R. 4495 was introduced May 3, 1949. Hearings on the bill began June 28, 1949.

When the hearings on H. R. 4495 began, the committee did not have the benefit of the views of the Bureau of the Budget and the Post Office Department. However, in connection with bills providing flat increases in the pay of postal employees, the committee had adverse reports from the Bureau of the Budget and the Post Office Department.

Under date of April 28, 1949, the Postmaster General stated:

It is believed that no proposals for general salary increases for postal employees should be considered favorably unless accompanied by provisions for increasing the postal revenues sufficiently to offset the estimated costs of the increased expenditures.

The Director of the Bureau of the Budget stated:

With respect to postal pay rates, it is estimated that the pay acts of 1945, 1946, and 1948 resulted in an average increase in the base-pay rates in the postal service of from 60 to 65 percent. Under the circumstances it would appear that if the Congress is desirous of making any general upward adjustment of salaries paid under the Classification Act and the Postal Pay Acts, such adjustments should be made only after a thorough study of the need and justification for further pay increases. For these reasons I must advise you that the proposed bills cannot be considered in accord with the program of the President.

Despite the failure of the executive branch to report to the committee on H. R. 4495, the committee conducted extensive hearings and made a study of the legislation insofar as time permitted. It was not until July 29 and July 30, only 5 days before the committee reported H. R. 4495, that the Postmaster General and the Bureau of the Budget submitted their reports on the bill. These reports were adverse. The Postmaster General stated:

The Department does not recommend the enactment of these measures because of the provisions that (1) they discriminate against

substitute and part-time employees and postmasters of the fourth class; (2) provide dual longevity for promotions; (3) increase the estimated postal deficit for the year 1950 about 61 percent; and (4) not in the best interests of the postal service.

The Postmaster General further stated that the enactment of this legislation could not be considered to be in accord with the program of the President.

The Bureau of the Budget stated in connection with H. R. 4495 that it does not believe that the Congress should give favorable consideration to the legislation.

The Civil Service Commission reported its adverse views on the legislation on August 5, the same day the bill was reported.

The committee has attempted to remove some of the inequities and discriminations in H. R. 4495 but sufficient time was not had for the committee to give adequate consideration to the comprehensive and complicated pay structure in the postal service in order to prepare a bill which is completely equitable to all employees.

It seems to me that the committee will probably have to give further consideration to these particular problems at the proper time. I think that statement is probably important, to try to set some of the Members straight with regard to the history of this legislation.

Briefly among other things the bill provides for a 5-day increase in annual leave. This is an effort to even up with other Federal employees.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the distinguished gentleman from Indiana, a former member of the House Civil Service Committee who has always shown deep interest in employees in Government service.

Mr. HALLECK. I understand that Federal employees generally have 26 days annual leave.

Mr. REES. That is correct.

Mr. HALLECK. It has occurred to me that probably justice would indicate that postal employees should be brought in line with the practice generally prevailing. Is there some reason why the postal employees are not thought to have the same right to the 26 days received by other Federal employees?

Mr. REES. It is my information that the Post Office Department has up to this time, and even presently, expressed opposition for the reason, they claim, that postal employees are usually working at or near home while other employees—in large number at least—are employed away from home, and when they have their vacations a considerable time is lost in going from the place of employment home and returning to the place of employment.

Mr. FULTON. Mr. Chairman, will the gentleman yield for a question?

Mr. REES. Briefly.

Mr. FULTON. To be fair to the committee chairman, the gentleman from Tennessee [Mr. MURRAY] I will try to point out what the delay has been.

Mr. REES. If the gentleman wishes to ask a question, I will be glad to yield; if he wishes to make a statement I will yield time for him to do that later on.

Mr. FULTON. I wish to do it by asking a question. When did the subcommittee finish its consideration of the bill? What date?

Mr. REES. I do not know the exact date, but it was during the first days of August.

Mr. FULTON. Does the chairman of the committee know? By the report I notice that the date of reporting the bill was early in August.

Mr. REES. I believe it is August 5. If that is not correct, I will correct it later.

I yield to the chairman of the committee.

Mr. MURRAY of Tennessee. I might state that the report of the committee was filed on August 5. As I recollect, the report of the subcommittee to the full committee was filed either 1 or 2 days before that time.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. REES. I yield myself four additional minutes and do not yield further at this time.

The CHAIRMAN. The gentleman from Kansas is recognized for four additional minutes.

Mr. REES. In addition to the 5-day annual leave there is a provision for \$150 flat increase in salary with proportionate increases for certain employees and a percentage increase for fourth-class postmasters. Then, as the chairman has just suggested, it provides three longevity grades to those who do not now have such grades; and under an amendment which I understand the gentleman from Tennessee will submit on behalf of the Committee, it will give longevity grades to those as well as to postmasters and supervisors. The bill will also permit postal employees with long years of service to count all of their service toward their promotion in the additional longevity grades.

We are also establishing a procedure; we are furnishing uniforms to those postal employees required to wear them, providing that the Postmaster General may either furnish them or permit their purchase by individual employees within the limitation in either case of \$100 a year.

The bill also provides for the elimination of the first two grades of the regular employees. It is with this particular provision that I should like to deal at some length. Under the language of the bill as written the first two grades are eliminated only for those employees having regular appointments. I believe it was the thought of many who testified, and Members of this House who testified, that raising the entrance salary included all employees of the postal service, but such is not the case. If the bill is passed in its present form it will again create an inequity in the classes of those employees described as substitute employees or who may be described as temporary employees. They are the ones who start normally as substitutes. For example, a clerk in the custodial service who today starts in at \$2,550 a year would, after the passage of this bill, start at \$2,750 a year, plus the \$150 flat increase to all employees.

The same is true in the case of mechanics, laborers, firemen, clerks in the division inspection office, and others. However, in the case of the vast number of operating employees in the postal service, these men who are actually moving the mail, you will find they enter the service as substitutes. Their entrance salary has not been raised one bit by virtue of the elimination of the first two grades for regular employees. You will find that we will have created two separate salary standards. You will find many employees refusing to take substitute appointments and waiting their turn for a regular appointment. Many substitutes may thus remain substitutes for years without an opportunity for a regular appointment. Substitutes in offices where there are vacancies for regular appointments will be rapidly promoted to the third grade. However, those in offices where there are no such vacancies will not enjoy the increases believed by many to be established under this section. These operating employees that I am speaking of are the letter carriers, the post-office clerks, the railway-mail clerks, and the motor-vehicle employees.

At the proper time, I will propose an amendment raising their entrance salaries along with the raise in the entrance salaries provided for custodial employees and others which I have mentioned. My amendment is as follows:

On page 9, line 1, strike out the words "to a regular position" and on page 9, lines 5 and 6, strike out the words "to a regular position."

This amendment is in harmony with the objective of the bill which is to raise the entrance salary for employees in the postal service. There is much merit to raising their entrance salary. In this respect I might point out that when the pay increase was passed for other Federal employees in 1945, we raised the salaries of the positions, and the employees entering after the effective date of that act received the benefit of the higher entrance salary. In the same year, Public Law 134 was passed for postal employees. This, instead of raising the salaries of the positions, raised the salaries of the individuals. The result was that the entrance salary remained the same as it was prior to the enactment of the law. This is what we are seeking to correct under the terms of section 3 (a) and (b).

Without my amendment, more than 100,000 deserving postal workers, those in the lower grades, will certainly be disappointed. I hope my amendment will receive unanimous support.

Mr. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from California.

Mr. JOHNSON. What will be the amount they will be raised?

Mr. REES. The entrance salary will be \$2,900.

Mr. JOHNSON. What will be the amount of the raise to the group?

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. REES. Mr. Chairman, I yield myself three additional minutes.

Mr. HARRIS. What is the starting salary now?

Mr. REES. Two thousand three hundred and fifty dollars.

Mr. WHITAKER. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Kentucky, one of the hard-working members of our committee.

Mr. WHITAKER. In answer to the gentleman from Pennsylvania [Mr. FULTON], may I ask the gentleman if before the subcommittee at least 65 Congressmen appeared and testified?

Mr. REES. That is correct, and although considerable time was required we were glad to have their views.

Mr. WHITAKER. And probably 15 more filed statements.

Mr. REES. It is my understanding that about 65 or 70 Members of this House requested the opportunity to appear before our committee. Every Member of the House was accorded that privilege. The distinguished gentleman now asking these questions was a member of that subcommittee.

Mr. WHITAKER. I want the gentleman to know that the subcommittee did do a little work.

Mr. REES. I appreciate very much the gentleman's statement. As I have read, the gentleman from Kentucky [Mr. WHITAKER] is one of the diligent, hard-working members of the subcommittee.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Illinois, a former member of the Committee on Post Office of the House and an active and influential member of it.

Mr. MASON. I want to know the reason for eliminating the first two grades of the classification for these postal employees.

Mr. REES. The reason given is it is believed that the entrance salary is too low to attract qualified people to these jobs, the attempt being to get men and women who are particularly well qualified. It is said by those who are familiar with the problem that the Post Office Department is unable to secure employees at a low salary as compared with other positions. They also tell us the starting salary is out of line and too low.

Mr. MASON. Those are not the facts. They are just stated as facts. The chairman of the committee now, the gentleman from Tennessee, and the gentleman from Virginia who was chairman at the time we wrote this Reclassification Act, worked for at least 4 months in re-vamping the entire classification of the postal officials. We did a job that was commended by every postal employee in this country. Twenty-four years had gone by without a reclassification. Now they come along and want to cut off the very essential things that we thought we had accomplished by making this a career proposition, attracting the young 18-year-old high-school graduates at the beginning and giving them promotions all the way up.

Now you are cutting off those two grades and saying, "We do not want any young high-school graduates; we want mature, grown-up, married men who must have more than that to start with

as postal employees." That is exactly what this thing does.

Mr. REES. I would like to say to the gentleman the first two grades number approximately 49,000, approximately 10 percent of all of the employees in the postal service.

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

Mr. REES. I yield to the gentleman from Michigan.

Mr. MICHENER. As I understand the gentleman, the elimination of the first two grades primarily does just one thing: It increases the starting point of new employees.

Mr. REES. That is correct.

Mr. MICHENER. Question No. 2. That starting point today, under existing law, is how much?

Mr. REES. Two thousand five hundred and fifty dollars.

Mr. MICHENER. If this bill becomes law, what will that starting point be?

Mr. REES. It will be \$2,550, plus \$200; \$2,750, plus \$150; or \$2,900.

Mr. MICHENER. The starting point will be \$2,900?

Mr. REES. That is correct.

Mr. MICHENER. Does that apply alike to all employees? For instance, take clerks, carriers, and assistant janitors?

Mr. REES. That is correct, except a few who are in custodial service. There may be a few others.

Mr. MICHENER. Let us take the assistant janitors.

Mr. REES. It applies to all salaried employees, except a comparatively few.

Mr. MICHENER. Well, what is the lowest salary?

Mr. REES. Those who are on a straight salary.

Mr. MICHENER. Are the janitors on a straight salary?

Mr. REES. Some of them are salaried and some of them are hourly employees.

Mr. MICHENER. I received a letter inquiring about this, and it was claimed to me that if this bill becomes a law, the assistant janitor, wherever he might be, in a small town, will be given more pay than the local bank cashier or the local school teacher.

Mr. REES. The janitor in the gentleman's home town, I think, is on an hourly basis and will get an increase of 5 cents per hour. There may be a few who get salaries now, if on salary basis, of \$2,150 per annum. That is possible, but the salary may be more. All salaried employees will receive an increase of \$150 per annum under this bill.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MURRAY of Tennessee. Mr. Chairman, I yield such time as he may desire to the gentleman from Louisiana [Mr. MORRISON].

Mr. MORRISON. Mr. Chairman, as a member of the Post Office and Civil Service Committee, I am pleased to rise in support of this measure which is, in my judgment, one of the most liberal and far-reaching bills for the benefit of our faithful postal employees to reach the floor of the House in recent years.

My only regret is that in some respects it does not go as far as it should toward

eliminating the inequities between postal employees and other Federal employees and because the inequities it seeks to correct were not corrected by legislation in the last Congress. Ever since the passage of Public Law 134, which is the basic classification and salary act of the postal service, it has been obvious to those of us close to the problem that many inequities still remain as far as our postal employees are concerned. May I enumerate some of them.

First, we find postal employees receiving only 15 days annual leave and 10 days sick leave while other Federal employees receive 26 days annual leave and 15 days sick leave. Secondly, when Public Law 134 was passed, the entrance salary in the postal service was not increased while the Federal Employees Pay Act of 1945, which was passed almost concurrently, did increase the entrance salary for other Federal employees. Within the postal service itself, we find some employees receiving 3 extra longevity grades while others receive 2 and many do not receive any at all.

The terms of Public Law 134 precluded employees of long years of service from receiving full credit for these many years of faithful service toward their longevity promotions. The net result of this situation is that these older employees who have built the postal service to the fine, efficient organization that it is today, cannot aspire to reach the top grade provided for their particular classification. In my judgment, simple justice would require that these faithful public servants receive the same consideration as new employees coming into the service who can look forward to reaching the maximum grade.

Letter carriers, elevator operators, and many other employees in the postal service who are required to wear uniforms while on duty must provide these uniforms from their own funds. Many Federal agencies provide the uniforms when they require their employees to wear them. In my judgment, it is high time that these inequities as between Federal employees and postal employees and as between the various groups of postal employees, should be remedied.

H. R. 4495 will go a long way toward correcting these situations. It will provide an additional 5 days annual leave; it will eliminate the first two grades for regular employees and, in effect, increase the starting salary by \$200; it gives flat increases in salary to all employees of \$150 per year. This increase, incidentally, is the amount that, in my judgment, should have been given at the time we enacted salary-increase legislation last year. In other words, the provisions of Public Law 900, Eightieth Congress, should have granted a \$600 a year flat increase rather than the \$450 a year flat increase that was provided in that law. Such an increase was required to give postal employees their proper salaries, taking into consideration the increased cost of living.

Under the terms of H. R. 4495, employees of long years of service in the postal service can count all of that service toward the so-called meritorious grades and those employees who do not

now receive such grades will be given three meritorious grades. Under a committee amendment, this benefit is extended as well to postmasters and supervisors.

We are also providing in this bill that the Postmaster General furnish uniforms for those employees who are required to wear them in their postal duties. He may, under the terms of the bill, in the alternative, authorize the employees to purchase the uniforms and reimburse them. There is a limitation on either procedure of \$100 per year.

I am pleased to support this measure and I hope that it will receive the approval of this House. It is a just recognition of the service of our faithful postal workers and, on its merits, it will remove many inequities affecting the salaries, classifications and annual leave of postal employees.

Mr. MURRAY of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, the chairman of the committee and my colleagues who have spoken before me with respect to H. R. 4495 have outlined the purposes and provisions of this bill. In brief, it proposes to increase the annual leave of postal employees by 5 days, give employees an increase of \$150 a year in annual compensation with proportionate increases for hourly and part-time employees and fourth-class postmasters. It grants three additional grades for meritorious service to those postal employees who do not now receive them. The bill also permits employees of long service in the postal service to count all of this service toward their automatic and meritorious promotions and, finally, the bill gives a uniform allowance to those postal employees who are required to wear uniforms.

As the author of the bill, I do not take the position that it is without defects. In my time in Congress, I have not seen any pieces of legislation, regardless of the length of time considered, which were completely flawless. I might point out, for example, that Public Law 134, which this bill amends, was a bill which was given careful consideration for many months. Yet, in the final analysis, there remained inequities and discriminations in Public Law 134 which made this bill necessary.

I might say that as this bill was originally introduced, it probably did a better job toward removing these inequities than as amended. For example, when I introduced this bill it provided for 26 days' annual leave and 15 days' sick leave for postal employees. This would have placed the postal employees on the same annual- and sick-leave schedules as the rest of the 1,500,000 Federal employees. I cannot see why postal employees should be discriminated against.

Mr. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. JOHNSON. What is the reason for that disparity of 6 days in the leave, if there is any real reason for it?

Mr. MILLER of California. I believe that historically it was believed that members of the postal service enjoyed

greater tenure of service, had a more secure job. The time was then fixed at 15 days of annual and 10 days of sick leave. Since then the Government has expanded materially and we have come to give the other million and a half Government employees in the classified and other services 26 days' annual leave and 15 days' sick leave. We have lagged with respect to the postal employees. All we are trying to do is catch up.

Mr. JOHNSON. The gentleman has been a member of this committee for a number of years and has given mature consideration to this kind of legislation?

Mr. MILLER of California. Yes.

Mr. JOHNSON. Is it the gentleman's mature opinion now that we ought to give the postal employees 26 days, the same as the other civil-service employees?

Mr. MILLER of California. It is my opinion that they should be on a parity with the other civil-service employees, and there should be no discrimination in the public service. However, as a member of the committee, the committee having recommended this bill, I am going to support it as a matter of principle and will beat down any effort to change the committee's report, although I reserve the right in the future, say at the next session of Congress, to take such steps as I may deem necessary to bring the leave status of the postal employees into line with that of the other employees.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. FULTON. In the gentleman's opinion, then, this is a well and carefully considered bill? The gentleman has said the bill has been given consideration for many months by the committee.

Mr. MILLER of California. It has been before the committee since last May. It is a matter that is not entirely new. These matters have been considered from time to time not only in committee but by this Congress. It is one of those problems with which all the Members of Congress are more or less familiar. There is a difference of philosophy and a difference of approach. I think the approach we are taking now is a good one.

Mr. FULTON. Do I understand correctly that the gentleman meets the criticism made by the chairman of the committee, that the committee did not have an opportunity to go into the bill sufficiently, by saying that the committee did give it careful consideration? Some of us want to know.

Mr. MILLER of California. I was not on the subcommittee but the bill was before the committee. They were familiar with its provisions. For the gentleman's benefit, I may say that I was not the original author of this bill. The gentleman from Texas [Mr. LYLE], who served on the Post Office Committee in the Seventy-ninth Congress, who worked diligently and hard, and who is as familiar with post-office legislation as any man in this House, introduced the bill H. R. 4395. He and I served together on the Post Office Committee in the Eightieth Congress. At his suggestion I in-

troduced the bill H. R. 4495, which is a duplicate of his bill. I can speak only for myself, but I think the bill has had sufficient consideration.

Mr. FULTON. I thank the gentleman for his good statement, because it is reassuring to many Members of Congress who are interested in knowing the answer to that question.

Mr. MILLER of California. As it was amended, postal employees will be receiving a 5-day increase in annual leave but no increase in sick leave and there still will remain an inequity in that respect.

When Public Law 134 was passed, while the employees then on the rolls all received an increase in salary, the entrance salary of \$1,700 remained the same. We are eliminating at least a part of this inequity by eliminating the first two grades. As I introduced the bill, it would have eliminated the first four grades, thus placing postal employees on a par with other Federal employees who had their entrance salary raised the time adjustments were made in the respective salary grades.

The bill provides an increase of \$150 annually for postmasters, officers, and employees in the postal service who are paid on an annual basis. There is an increase of 5 cents per hour for hourly employees and 5 percent for fourth-class postmasters. This is the only salary provision in this bill and one which, in my judgment, is moderate and which the postal employees richly deserve.

When Public Law 134 was passed, it did not give employees then on the rolls credit for all of their years of service toward meritorious grades. This was because the Comptroller General ruled that employees were required to serve in the highest automatic grade before they could count any time toward their meritorious promotions. This means that under the present law postal employees of 25 or 30 years service can never hope to attain the highest grade. It also means that postal employees of 25 or 30 years service are in the same pay status as those who only had 10 years of service when Public Law 134 was passed. A provision permitting these employees with long years of service to count that service for their meritorious grades is a deserving and well-merited provision.

This bill provides also for giving postal employees a uniform allowance or providing them with uniforms in an amount not to exceed \$100 a year. Postal employees have not been given a uniform allowance while the most of the other agencies of the Government furnished uniforms for the custodial and guard forces who are required to wear uniforms.

This bill will correct these many inequities and while it may not be perfect, it is giving the postal employees increased annual leave, a deserving salary increase, permitting them to count all of their seniority for salary purposes, raising the entrance salary by \$200 a year, and providing longevity grades for those postal employees who do not have them, we would not be justified in permitting these obvious inequities to exist pending extended hearings.

May I point out that at the last session of Congress this very same commit-

tee reported a bill recommending to the House that it grant an increase of \$560 a year to the postal employees. The House took the position that that was too much and in the concluding days of the Eightieth Congress it adopted a \$450-a-year raise. The present flat raise merely seeks to correct the inequality arising out of the omission of the last Congress.

In closing I would like to say something about the relation of postal rates to postal pay. In my opinion there is no relation whatever between what we pay people in the Post Office Department and postal receipts. If the Post Office Department had control over rates, if it could fix its own rates, then we might hold someone responsible. But we, the Congress, fix those rates. If we fail to fix an adequate rate to cover the services given, surely we are not going to take the difference out of the hides of the people whom we hire to do the job. Until the Congress sees fit to adopt rates commensurate with the services given, and to eliminate some of the subsidies, both hidden and direct, charged to the Post Office Department, I think it is a poor plea for people to stand on this floor and try to deny to faithful employees an adequate salary on the grounds that the Post Office Department incurs a deficit.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield.

Mr. ABERNETHY. Am I correct in saying that the Post Office Department lost \$500,000,000 in its operation last year?

Mr. MILLER of California. That is correct.

Mr. ABERNETHY. Could the gentleman tell me whether or not that situation will prevail at the end of this fiscal year?

Mr. MILLER of California. I misunderstood the gentleman. That will prevail at the end of this fiscal year. I thought you said the anticipated deficit would be \$500,000,000.

Mr. ABERNETHY. Would there be added to that the cost of this particular legislation?

Mr. MILLER of California. Those figures anticipate this legislation, so far as I know. As you understand, these figures are rough estimates; they are not something that you can fix accurately.

Mr. ABERNETHY. Assuming this bill becomes law, then, am I correct in saying that the Post Office Department will go into the red about \$700,000,000 or more?

Mr. MILLER of California. No. I think they will go in the red about \$500,000,000, with this bill. On the other hand, if we take the \$100,000,000 that we pay the air lines and the \$160,000,000 that we pay the newspapers, we can quickly eliminate some of these inequities.

Mr. WAGNER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield.

Mr. WAGNER. Can you tell us whether or not the Postmaster General opposed his own pay raise when it was before this committee?

Mr. MILLER of California. I will let the gentleman answer his own question because it is obvious.

Mr. WAGNER. As a matter of fact, he did not. Is that not correct?

Mr. MILLER of California. He did not.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield.

Mr. GROSS. Is it not true that the Postmaster General, when he appeared before the Appropriations Committee in June, said that if the postal employees had been given this \$150 increase last year they would not be back here now asking for it?

Mr. MILLER of California. I do not recall about that.

Mr. SCUDDER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield.

Mr. SCUDDER. I am very much in favor of this increase in salary for these men, and the time they are going to be allowed for sick leave and vacation. You consider this a very equitable and fair bill for the postal employees at this time, do you?

Mr. MILLER of California. I tried to make my position clear—that I did not think it was the ideal bill, but it is one that I was willing to accept as a matter of compromise. I think it would do much to increase the morale of the Post Office Department. May I say that when I was home I talked to a postman who works in my district. He told me that once upon a time he was proud to know the men with whom he worked, but they came and went so fast and they were of such caliber now that he was not even interested in learning who they were. That is not a good situation to have in the Post Office Department.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

Mr. REES. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mrs. ST. GEORGE].

Mrs. ST. GEORGE. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I feel that the bill has been thoroughly discussed and very ably explained, both by my chairman and by the ranking member, so I am going to confine myself to one portion of the bill which I think corrects a great inequity. That is section 5, which will provide that the postal employees, special-delivery messengers, motor-vehicle employees, custodial guards, elevator operators, and watchmen, and others who are compelled by their duties to wear uniforms, shall either be furnished those uniforms or shall receive compensation not to exceed \$100 per annum. This seems to be a very self-evident injustice that should be corrected. After all, soldiers, sailors, and all other Government employees who are compelled to wear uniforms are not expected to furnish them. Even with this \$100 this bill provides, the whole cost will hardly be covered, because the postal employee needs shoes, and if any of you have watched the rural carriers and others walking the streets you will know that they need several pairs per annum. I yield to the distinguished author of the bill.

Mr. MILLER of California. I just wanted to call attention to the fact that it is notorious that most men are hard on clothes. The carrying of a big leather bag wears them out. These men are required to have at least two summer and two winter uniforms. It is a great drain upon these people.

Mrs. ST. GEORGE. The gentleman is entirely correct; and, besides that, these employees represent the United States Government and for that reason they should be properly clothed and their uniforms should be in good condition.

Mr. REES. Mr. Chairman, will the gentleman yield?

Mrs. ST. GEORGE. I yield to the gentleman from Kansas.

Mr. REES. I call attention to the fact that the gentleman from New York who now has the floor submitted legislation during the Eightieth Congress on this subject matter but her bill was reported adversely by the Postmaster General. Is not that correct?

Mrs. ST. GEORGE. I thank the gentleman; that is entirely correct.

Mr. REES. I am very glad it is included in this legislation.

Mrs. ST. GEORGE. It has been well said by the distinguished gentleman from Texas that while the reports of the Bureau of the Budget, the Civil Service Commission, and the Postmaster General serve a most useful purpose, still we of the Congress cannot be entirely governed by those reports. It is also well to remember that this Congress is spending and has spent a great deal of money. If we are going to quibble about such a sum as \$160,000,000—and this bill will increase the postal deficit by that amount—we must remember that we may well be accused of straining at a gnat and swallowing a camel. I believe that at this time that we should take care of our postal employees.

I regret also that other civil service employees are not included in an over-all bill, but it seemed an impossibility to get such a measure through at this session of the Congress. I am also glad to hear the distinguished author of the bill say that at some future date he may introduce amendments that will increase the annual and sick leave so that our postal employees will be brought up to the same level as other Government employees.

I believe this legislation has been carefully considered. I admit there are differences, and honest differences, of opinion; nevertheless, it seems to me that the majority of this Congress is in favor of adequate compensation for postal employees, and also in view of the money that has been lavishly spent by this Government, that these servants who have been faithful over so many years should not be penalized by the fact that the Post Office Department does run at the present time at a \$500,000,000 deficit. The two things cannot hang together. These people must have a living wage; they must have right and proper annual and sick leave; they must be taken care of even if the Post Office Department runs at a deficit. That is true of most of our Government departments.

Mr. REES. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. CORBETT].

Mr. CORBETT. Mr. Chairman, I rise in support of this bill because it is my studied conviction it is good legislation and that the postal employees deserve this raise which the bill will grant.

I may point out to the members of the committee that legislation affecting the salaries of postal employees has been constantly before the committee since it was in existence. I introduced legislation last January on the subject, as did many other members of the committee.

I may say also that this bill represents very much less than the original bills asked for. There were proposals introduced last January to increase postal salaries by as much as \$550. This bill contains an over-all increase of only \$150. Granting that for some few veteran postal employees the increase will be as much as \$450, in the main, taking the estimated cost of the bill and the total number of employees, it will be found that the over-all increase is less than \$300 on the average.

Mr. Chairman, there has been a great deal of talk about the postal deficit. I believe it needs to be emphasized and reemphasized to the Members of the House that we have proceeded to raise the salaries of top-flight executives, we have passed the military pay raise bill, we have considered other pay raises despite the fact that the Federal Government is facing an anticipated deficit of \$5,000,000,000. Why, then, should we single out a group of employees that happen to work for a department which charges for its services and say that those individuals shall not get a raise because this particular Department is not operating at a profit?

It seems to me that if there is an argument against the postal employees on account of the deficit then that argument applies with double emphasis and doubled effect to all the other employees of the Federal Government whether they be top flight or custodial employees.

We ought to note this and note it for long remembrance. The deficit in the Post Office Department as submitted by the cost accounting system is not an accurate figure. How much of that deficit is true and how much is imaginary I do not know, and I do not believe anyone else knows. We do know that penalty mail and franked mail represents over \$100,000,000 of this so-called deficit. We also know that the post office provides all kinds of services to other Government agencies which are not charged for. We know that subsidies are paid to some extent. As has been ably pointed out by those who have preceded me, the anticipated deficit in the Post Office Department is not a proper basis on which to determine wages and salaries and it never can be.

I would like to emphasize furthermore that when this bill has been passed I am sure we will have raised the level of the postal employees to a point where we have established a good program for them which will attract and will hold capable employees in what is the finest department in our Government.

Mr. DAVENPORT. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Pennsylvania.

Mr. DAVENPORT. May I ask the gentleman from Pennsylvania if it is not true that the turn-over in labor in the Post Office Department is abnormally high because the matter of pay is so inadequate; therefore increasing the cost of training these people in the postal service?

Mr. CORBETT. That is a very good point. I am sorry I cannot give the gentleman the exact figures, but we do know the withdrawals from the service are abnormally high. The gentleman who comes from one of the greatest industrial districts in the United States will agree with me, I am sure, on these facts, that of all large groups of employees in these United States the postal employees have had less of an increase in comparison with the increased cost of living than any others, taking for example steel, coal, glass, and the like.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MURRAY of Tennessee. Mr. Chairman, I yield such time as he may desire to the gentleman from Georgia [Mr. DAVIS].

Mr. DAVIS of Georgia. Mr. Chairman, I am supporting this legislation and feel that it is justified. In the Eightieth Congress I introduced a bill to provide a pay increase of \$600 for employees of the Post Office Department. I felt at that time that the increased cost of living justified a pay raise of \$600 for these workers. The Eightieth Congress did not grant the entire amount, but provided a raise of only \$450. The \$150 provided in this bill will bring the salary increase of these employees up to the figure which I thought would have been adequate in 1947. There has been some increase in the cost of living since that time, which, in my opinion, is an additional reason why this increase should be granted now.

I regret that there has been any discrimination against postal employees with reference to annual leave. I do not think it is fair that postal employees have had only 15 days annual leave while other Federal employees have had 26 days annual leave. This bill does not place them on a par with other Federal employees, but at least the 20 days annual leave provided in this bill is an improvement over the present annual leave provisions.

I am particularly interested in section 2 of this bill, which provides three additional grades for meritorious and faithful service, and that provision of section 2 which provides that beginners in the postal service will start at a salary two grades higher than the present starting salary. It has been a matter of considerable disappointment to me to notice that in the past few years the starting salaries of postal employees have not been high enough to attract people into the postal service. I believe that the postal service has suffered because of it, and I sincerely hope that this bill will pass, and that the \$200 per year added to the starting salary will be sufficient to attract bright and capable young men into a career of postal service.

I am glad also that this bill makes provision for some increase for fourth-

class postmasters. I do not think the increase provided in this bill is adequate for fourth-class postmasters, but at least it is something.

Section 5, which provides for a \$100 per year uniform allowance, is something which, in my opinion, has been long overdue. The carriers are required to wear uniforms prescribed by the Department. The carrying of the heavy and cumbersome mail bags is very wearing on these uniforms. The public expects these carriers to make a presentable, neat appearance, and I wholeheartedly favor this uniform allowance.

I believe that the House Post Office and Civil Service Committee could have worked out a fairer and more comprehensive bill if the committee had had more time to consider this legislation and perfect it. However, as it is, much time and study was given to this legislation. I feel that it deserves not only the support of the House Post Office and Civil Service Committee, but the entire Congress, and I am supporting all the provisions of the bill.

Mr. MURRAY of Tennessee. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. DOLLINGER].

Mr. DOLLINGER. Mr. Chairman, I am happy to speak in favor of H. R. 4495, the bill now before the House. I am sure that other Members of the House feel as I do, and are willing and anxious to help our faithful postal employees.

This bill provides for a modest salary increase, credit to career employees toward their longevity grade, increase of 5 days in vacation and uniform allowance of \$100 a year. While in my opinion, the bill does not go far enough, it is a step in the right direction.

We know that during the war, when postal employees could have gone into private industry and earned very large sums, they remained faithful to their jobs and their duty to their country. They carried their increased burdens of work cheerfully and gladly. They have asked no reward, but they are asking that they be given adequate pay for the work they do, and which is necessary for them to have in order that they may meet the greatly increased costs of living.

The increase of 5 days in vacation is only fair, as other Federal employees are allowed 26 days vacation, and there is no logical excuse for allowing one group of Federal employees less leave than another. Our postal employees have every right to demand that they have the same consideration shown them as is given Federal employees in other branches of our Government.

Other benefits provided in the bill are necessary and merited, and constitute no more than the recognition our loyal postal employees justly deserve. As I stated before, the bill does not adequately take care of our postal workers, and I trust that Congress will see fit to extend additional benefits to them as soon as it is possible to do so.

Mr. REES. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. HAGEN].

Mr. HAGEN. Mr. Chairman, I have no apologies to make in supporting this legislation; in fact, I very strongly and

enthusiastically support and favor it. As the author of H. R. 4595, which is very similar to the Lyle bill, H. R. 4395, and the Miller bill, H. R. 4495, I am, of course, especially interested in this revised Miller bill known as the Corbett amendment, initiated, sponsored, and supported by my colleague, the gentleman from Pennsylvania, Representative ROBERT CORBETT. Representative CORBETT led the fight all the way through for this needed and worthy legislation and deserves our extreme thanks, I am sure. He also deserves and no doubt will receive the appreciation of all postal groups and organizations throughout the country.

There seemed to be some undue delay in the consideration of postal salary bills which were introduced early in this session of Congress. However, I want to say this, the chairman of our committee and the ranking member of our committee, although they in some cases disagreed with some of the provisions of this sort of legislation, at no time, in my opinion, unduly delayed the consideration of it. They were divided on some things and they disagreed on others in a proper and correct way, I thought, but nevertheless came along with us so that now we do have this bill up for consideration.

However, I thought there were some factors involved which delayed consideration unnecessarily. For instance, while the Miller bill was introduced on May 3, no reports were received from the departments from 1 to 2 months or more. For instance, in the case of the Office of the Postmaster General, we received a report dated July 29. In the case of the report from the Executive Office of the President we received a report dated July 30, and in the case of the Civil Service Commission, a report dated August 5.

So many of us felt that the petition method might expedite the consideration of these bills. A petition was filed, and I was one of the first signers of it, and 218 Members of the House quickly signed that first petition. Later another petition was filed on the revised Corbett amended Miller bill, H. R. 4495, and within a matter of a few days 218 Members of the House signed that petition.

I ask you to keep this fact in mind. These first bills were far more liberal to the postal workers than the bill now under consideration. This revised bill, in my opinion, represents the very minimum salary increases and other benefits that we should give these loyal postal workers. So, I certainly am going to oppose any effort that might be made toward reducing these benefits, but I will support any efforts made to increase them, such as the one mentioned by the gentleman from Indiana [Mr. HALLECK]. He pointed out that the postal workers will not get, even after this bill is passed, as much annual leave of 26 days as all other Federal Government workers do receive and enjoy. I will gladly support that amendment if it is offered. Some time in the future we should certainly correct that injustice, because this bill does not grant the full 26 days annual leave.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. HAGEN. I yield to the gentleman from Indiana.

Mr. HALLECK. As the gentleman has just suggested, I happen to believe that the increase in leave should be such as to bring it in line with the other employees of the Government. But, do I understand, generally speaking, as far as the House is concerned, there has been substantial agreement on this bill, as reported by the committee, as a compromise measure, with the result that in all probability any amendment that might be offered would not be favored, in view of the fact that this is a compromise?

Mr. HAGEN. The gentleman is correct. It is generally the opinion of the committee, in my view, that this bill should be passed as reported by the committee now, and any corrective measures for additional benefits to be considered and developed at a later date. For instance, it is thought that if a more liberal bill was provided for at this time, there may be the possibility of a Presidential veto, and also possibly opposition on the part of the other body which passed a less liberal and less satisfactory measure than the one we are considering here today, the Corbett conceived H. R. 4495.

But, bear in mind that 218 Members of the House did approve it by signing a petition, and many more were willing and ready to sign to bring up a bill which provided more liberal benefits than this bill provides. There should be no opposition to the passage of this measure here today.

The postal organizations and the public as well, without exception that I have heard, favor and support this measure. This should be very popular and acceptable legislation to vote for and to support.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. HAGEN. I yield to the gentleman from California.

Mr. McDONOUGH. The gentleman speaks about a revision of the bill on which we originally signed the discharge petition. Is this bill any different from the bill on which we signed the last discharge petition, to bring it out from the Rules Committee?

Mr. HAGEN. The gentleman makes a very good point. The original bill was the Lyle, Miller, and Hagen bill, which was quite different from the bill we are presently considering. The last petition was on the revised Corbett-Miller bill, which is substantially the bill we are considering today.

Mr. MURRAY of Tennessee. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. O'BRIEN].

Mr. O'BRIEN of Michigan. Mr. Chairman, I am in favor of H. R. 4495. It provides for the Post Office Department personnel 20 days' annual leave. It adjusts the longevity provisions of existing law so that, first, three longevity grades of \$100 per annum each are created for employees now excluded from longevity provisions; second, the two lowest longevity grades of Public Law 134 of the Seventy-eighth Congress are eliminated

and the third existing grade establishes the entrance salary; third, credit for past service is given in the computation of longevity. It provides a \$150 per annum salary increase or 5 percent increase for hourly and part-time employees and for fourth-class postmasters.

It provides up to \$100 per year allowance for uniforms. The increase is reasonable and the modifications of existing law on the subject of longevity are in the interest of an equitable adjustment and the need for such adjustment has been justified by experience. The present bill will not make postal employment highly remunerative but it will help the employees cope with the needs of supporting themselves and their families.

Mr. MURRAY of Tennessee. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RHODES].

Mr. RHODES. Mr. Chairman, this bill contains provisions which will give postal employees a modest pay increase and would correct some inequities which have worked a hardship on many workers in the postal service.

The elimination of the two lowest classifications will be a step toward correction of inequities which is long overdue. There seems to be no reasonable justification for the many classifications which now exist. Eliminating the two lowest will mean more pay for the lowest salary employees.

Some very interesting testimony was presented to the House Post Office and Civil Service Committee by postal employee organizations which showed that many postal employees are compelled to accept additional employment on a part-time basis in order to supplement their incomes.

I consider it a reflection on our Government when Federal employees are paid salaries so low that they cannot support their families on a minimum standard of decency.

Elimination of the two lowest grades, together with a general increase of \$150 per year and an annual uniform allowance of \$100 will be a modest increase to all postal employees. This will be especially helpful to the younger men in the service. Many of them now find it difficult to meet the high costs of supporting their families at salaries paid to lower grade postal employees.

The additional benefits proposed in H. R. 4495 in respect to sick leave, longevity, and promotion will be a modest reward for the older workers in the postal service.

I believe this legislation should be passed. It will help the economy by putting more purchasing power into the hands of people who will spend it for their every day needs.

It is not fair to hold back this legislation to await an increase in postal rates. Nor is it fair to point to the Post Office deficit.

Postal employees render a great service to the Nation and are entitled to an adequate pay, regardless of the size of the Post Office deficit.

It is clear to all who are interested enough to want to know that the big deficit is due to many conditions which do not reflect on the management and operation of the Post Office Department.

If we deduct the subsidies paid to newspapers, magazines, railroads, and other private enterprises and discount the cost of franking privileges and free service to other Government agencies, we begin to realize that the Post Office is not only the biggest business in the world, but also the most efficient, considering the size of the task.

There is no sound or valid argument against the provisions contained in H. R. 4495. It deserves the support of every Member of this House.

Mr. REES. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. SADLAK].

Mr. SADLAK. Mr. Chairman, the time allotment obviously prevents a lengthy discussion on my part or the setting forth of many reasons why I, as a member of the great Committee on Post Office and Civil Service, believe H. R. 4495 should and will pass in this House overwhelmingly.

Some of my arguments necessarily agree and coincide with those of my colleagues who have preceded me in the well of the House, but I would like, in addition, to comment on the compromised bill as it now appears before us, especially on the annual-leave provision which now for the postal employees is advanced to 20 days while their sick-leave allowance remains at 10 days—this in comparison with the 26 and 15 days, respectively, enjoyed by all other Federal workers.

To mention the uniform allowance which in Connecticut and the New England States, because of the four seasons, is a large out-of-pocket expense which the Government ought to assume as it does for the military who are required to wear certain specified types of uniform.

Much could be said by me for this entire legislation, Mr. Chairman, because I listened intently and made inquiry of the many witnesses who appeared before our subcommittee conducting the hearings. Incidentally, Mr. Chairman, there were many Members of the House who appeared before the committee, and it provided for me an additional opportunity to learn the names of more of the Members who were not here during the Eightieth Congress. When the hearings are available—I understand they now are on the presses—they will confirm that I missed only one hearing on the 75 so-called benefit bills that were considered in connection with the reporting of H. R. 4495 and the reclassification bill that is scheduled for tomorrow.

May I, however, having this opportunity, urge the Members who have not done so to visit the post offices in your districts to observe first-hand the processes or steps that speed on to its ultimate destination an envelope that was deposited in a mail box or a package that was weighed in at the parcel-post window. There is much more to this great post-office organization than the carrier delivering the mail to your home or office—there are the various clerks, supervisors, inspectors, drivers, mechanics, trucks, garages, sorting schemes, conveyor belts, train schedules, transportation of all kinds, and so on, that are the cogs and means that finally bring

the addressee the mail. In this connection, I understand from a newspaper story a few days ago that the National Broadcasting Co. plans shortly to tell stories over the air of the various phases of the postal service, and such ought to prove to be of great interest to us and the listeners while providing entertainment.

Mr. Chairman, there is some question regarding the elimination of the first two pay grades under this bill. It is difficult to obtain permanent postal employees in many of our large cities because of the entrance salary. This provision tends to overcome what is a serious problem in the larger post offices and will bring into the service the type of reliable permanent employees needed. The greater number of these new employees are war veterans with families who cannot afford to accept the permanent status without supplemental outside work by themselves or their wives.

There also is complaint that the large-office worker and the smaller-office employee receive identical salaries, since their duties are the same, and that this results in some controversy in smaller communities because the pay of a post-office employee therein is frequently larger in comparison with that of a bank teller or a school teacher. However, Mr. Chairman, I know of no way that this can be overcome by this particular legislation and suggest it is not a matter to be resolved in connection with today's proposal to enact H. R. 4495. My time having expired, I urge the passage of H. R. 4495 as it will be amended by the Post Office Committee amendments.

Mr. REES. Mr. Chairman, I yield such time as he may require to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Chairman, I am strongly in favor of this legislation. Its purpose is to rectify in certain particulars the injustices that now exist in the postal service. It is my opinion that postal employees are entitled to as good working conditions, salaries, and so forth, as now applies to other Government employees. Why the present discriminations should exist I do not know. There is no justification for them. This bill seeks to remedy many of these inequities.

The bill now before us provides additional benefits for employees in the field service of the Post Office Department with respect to annual leave, longevity pay, increased compensation, and promotions.

Section 1 increases the annual leave of postal employees to 20 days, to be cumulative to a maximum of 60 days. At the present time postal employees receive 15 days annual leave. This increase brings annual leave for postal employees more nearly in line with such leave benefits enjoyed by other Federal employees, who receive 26 days annual leave. I am of the opinion that this bill should be amended to grant 26 days instead of the 20 days which is provided for in the bill. It should be realized that postal employees in many instances perform a service that takes them out into all types of weather. All of this is conducive to sickness. Therefore, it would seem that there is more reason for sick leave in the case of postal employees than for those

in most any other category of service. However, it can be said that the bill as presented to the House is a step in the right direction. I hope that the House will at no late date see the justice of granting to postal employees an annual sick leave equal to that now given to other Federal employees.

Sections 2 and 3 provide additional grades for meritorious and faithful service for those postal employees who are not granted such grades under present law. It is provisions of this kind that will make the postal service one that will result in greater continuity of service so necessary for the maintenance of the high efficiency now prevailing. The provisions of these sections enable employees to attain that higher rank that long service entitles them to have. This is especially important to employees of long service when it comes to time of retirement. It will enable them to obtain a rank and retirement benefits commensurate with their long and faithful service.

Section 4 provides for an increase in compensation for employees paid on an annual basis—except fourth-class postmasters—of \$150 per annum, for hourly or part-time employees at the rate of 5 cents per hour, and for fourth-class postmasters 5 percent of their basic annual compensation. A comparison of salaries paid to postal employees with salaries paid to other Federal employees shows that postal employees are badly underpaid. They have been the forgotten man in a very real sense. It is encouraging to realize that Congress is now awakening to this fact, although it is very discouraging to realize that the raises they are getting from year to year by legislation is only partial. Legislation should be passed that would once and for all put the salaries of these employees on a basis commensurate with other employees and having regard to the present high cost of living.

Section 5 is a very worth while and proper provision. This will in effect be a raise in salary. It provides that when postal employees are required to wear a uniform, such uniforms will be provided by the Post Office Department, or individuals may be authorized to purchase them and be reimbursed. There is a limitation of expenditures or reimbursement for uniforms for each employee of \$100 annually. It is inconceivable that men in the postal service have through all the years been compelled to purchase their own uniforms. It has been a common practice for all employees, State, county, and municipal, required to wear uniforms, to have them supplied by the agency of government employing them. It is right and just that it should be done.

Throughout the years the postal employees have rendered outstanding service. Their honesty and efficiency has been recognized by all. The treatment they have received has been far below what they deserved. I am pleased to have this opportunity of supporting legislation that will correct some of the deficiencies and prove beneficial to these faithful and conscientious Federal employees.

Mr. REES. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. SCUDDER].

Mr. SCUDDER. Mr. Chairman, I wish to rise in support of H. R. 4495 which is now under consideration and is in a form amended by the Committee on Post Office and Civil Service.

I felt that the postal employees were overdue in an adjustment of their compensation; therefore, I signed the discharge petition No. 8, which would bring this bill on the floor. Subsequent to signing this petition, the bill was referred to the Rules Committee, and again I signed petition No. 18 to withdraw this bill from the Rules Committee.

The bill, as originally introduced, was considerably more liberal than the amended bill which now is before the House. However, on inquiry of both the committee and the author of the bill, and from the statements which I have heard made on the floor today, I feel that the bill as now amended is a fair compromise and brings the postal employees in line with other Federal employees, excepting perhaps that the leave of absence for postal employees should be brought in line with that allowed other governmental employees.

The argument has been made that the Post Office Department is going in the red in an amount in excess of \$500,000,000, and that we could not make this adjustment in face of that condition. I believe the responsibility of Congress is to adjust compensation in accordance with the service rendered, and it is also their responsibility that if a department or agency is running in the red, to adjust rates to eliminate that condition.

The allowance made for sick leave and uniforms, I believe, is in line with common practice. I believe the passage of this bill will better the service and increase the morale of these employees. I believe further that the level of the post-office employees will be raised and will make more desirable this service to younger men.

I trust that this bill may have the unanimous support of the entire Congress to the end that these worthy employees may be extended the benefit to which they are entitled.

Mr. REES. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. TOLLEFSON].

Mr. TOLLEFSON. Mr. Chairman, I rise in support of H. R. 4495, a bill to provide additional benefits for certain postmasters, officers, and employees in the postal field service with respect to annual and sick leave, longevity pay, and promotion, and for other purposes. This is much-needed legislation and is highly deserved by the postal employees which are covered by it. The Post Office and Civil Service Committee has had this type of legislation under consideration for sometime, has held rather extensive hearings on this and related subjects, and now recommends that the bill pass. I join with committee members in urging favorable action by the House.

As has been pointed out during the debate the annual leave for employees covered is increased to 20 days, to be cumulative to a maximum of 60 days. While this does not bring the annual leave into line with the 26 days accorded Federal employees, yet it is an increase over the

present leave of 15 days. It is hoped that the committee will at some near future date bring in amendments to public law which will grant additional increases. This the committee has indicated it will do.

The bill provides three additional grades for meritorious and faithful services for those postal employees who are not provided for under present law. Such a provision has considerable merit and should be adopted.

Section 4 of the measure provides for an increase in compensation for (1) postmasters, officers, and employees in the postal service paid on an annual basis of \$150 per year, (2) for hourly or part-time employees at the rate of 5 cents per hour, and (3) for fourth-class postmasters of 5 percent of their basic annual compensation. This is a modest increase and no Member of the House should find difficulty in supporting it.

Another section of the bill provides that when postal employees are required to wear uniforms, they shall either be furnished by the Department, or the individuals may be authorized to purchase them. A limitation of \$100 annually is fixed. This is a reasonable and justified provision. The wear and tear on the clothing of these employees is great, and they should not be required to stand the burdensome expense thereof.

The measure has other provisions which have been discussed by other Members and I shall not touch upon them here. Suffice to say that the bill should pass, and I trust that the House will act favorably upon it in justice to those faithful employees who deserve our best consideration.

Mr. REES. Mr. Chairman, I yield such time as he may desire to the gentleman from Kentucky [Mr. GOLDEN].

Mr. GOLDEN. Mr. Chairman, of all the great departments of our Federal Government, there are none that render more everyday needful service to the American people than the Post Office Department. Furthermore, of all of our Federal employees, it is my opinion that the men and women who work in the post office and are city and rural mail carriers stay on the job longer and work harder than any other group of Federal employees.

This bill will give to them modest increases in salaries and bring their earnings more in line with the greatly increased cost of living that has occurred in the last few years. The Post Office and Civil Service Committee is fully aware of the great services performed by the postal employees and, in order that we may afford them adequate compensation so that many who are now in the service and many who desire to enter the service may make a lifetime career, I feel that the passage of this bill at this time is absolutely necessary.

The efficient operation of the Postal Department is essential to the economic welfare of our Nation. Prompt and accurate handling of the great volume of mail promotes all sorts of business and adds to the national income. Men and women who devote their lives to this service are entitled to a respectable income so that they can be independent of all side jobs and other incomes and de-

vote their entire time to this great service. The fact that we further provide incentive increases in salaries and classifications will cause many trained and efficient Federal employees to remain in the service and will thereby again not only continue the great good that the Post Office Department renders to the American people, but will cause an improved service through these Federal employees. The city and rural mail carriers who benefit from this legislation have to go in all sorts of weather. The clerks and personnel in the post offices of our Nation stay on the job long hours each day and any citizen anywhere in America can send and receive important mail with the full confidence that such mail will receive prompt, careful, and safe transportation to any point within the United States or outside of the United States.

I think it will be a great encouragement and inspiration to the fine group of men and women who have chosen the postal service as a career to recognize their worth to the Nation and to pass this bill by a substantial majority.

Mr. McDONOUGH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point the RECORD.

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

There was no objection.

Mr. McDONOUGH. Mr. Chairman, I am happy to vigorously support the bill (H. R. 4495) to provide many long-deferred benefits to postal employees. I have worked for the passage of this legislation since it has been before the Post Office and Civil Service Committee for consideration.

I signed the Walsh discharge petition which I had hopes would be acted upon by the House, when that failed, because the committee reported the bill out to the Rules Committee, where it was bogged down, I then signed the Corbett discharge petition which brought about the consideration of this bill today.

I regret that this bill does not provide a larger increase in pay for postal employees; they deserve it because in my opinion there is no other group of Federal employees who work harder and under such poor and inadequate conditions than postal employees. No other group of Federal employees have been more loyal and more dependable. The postal employees cannot bargain collectively nor can they strike like other craftsmen or labor unions. They can only appeal to Congress for their needs and Congress has neglected them too long.

I trust that the Congress will in the future give the proper and expedient consideration to the postal employees who are entitled to better working conditions and other facilities equal to that of employees in similar types of work in private industry. I am confident that this bill will pass and I hope it will be acted upon speedily by the Senate so that it can soon be put into full force and effect.

Mr. REES. Mr. Chairman, I now yield 5 minutes to the gentleman from Wisconsin [Mr. WITHROW].

Mr. WITHROW. Mr. Chairman, I am wholeheartedly in favor of the bill under

consideration, H. R. 4495. I am not particularly interested in how it came to the floor of this House. I do know it is being considered at this time because there is a crying demand by those working in the postal service of our Federal Government for much-needed relief.

The Postal Department should not be treated differently from any other department of our Government. Its employees are entitled to the same standards of living. These standards are reflected in the amount of salary received for their work. When we are considering an increase for the employees in the Commerce Department we do not ask if their budget is balanced. When the employees of the Agricultural Department ask for a raise in pay we do not ask if their budget is balanced. As a matter of fact, we have been totally unfair toward the Department in expecting it to meet its obligations from its appropriations when all sorts of extraordinary expenses are piled high, thus forming a drain upon its income. I wonder that the deficit is not even more than \$325,000,000 this year.

In any event, I find myself entirely opposed to withholding from the postal employees the fair pay they should receive in better salaries and in working conditions and at the same time confronting these employees with this ever-mounting deficit as the reason why we should not pass pending legislation.

At the same time, the public is entitled to know the whole truth and nothing but the truth on the subsidy issue—just what is being paid to whom for what services to the Government. I doubt that any Member of the Congress has these answers.

Eminently unfair is the threat to increase postal rates or even to lower them, unless and until we know by what amount the postal system fails to discharge its duties with the operating funds it receives and the revenues it produces—minus the subsidies.

We can find ways and means of authorizing direct appropriations to the cause of subsidies and not clutter up the orderly process of delivering the mails with all kinds of extraneous matter. Least of all must we retard the even flow of justice to the postal employees by using the postal deficit as an excuse.

I appreciate the desirability of balancing the postal budget, however, I realize that that cannot be done until the encumbrances which are forced upon that Department are credited to the proper departments. As an example, the Hoover report stated that more than \$100,000,000 in free services are rendered by the Postal Department to other departments of the Government, including the Members of the Senate and the House. I have no complaint as to the advisability of granting these services, however, I feel that it is manifestly unfair to charge the Postal Department with the administering of these services and not credit the service to their account. The cost of these services should be charged to the departments that receive the service.

In my opinion, the same yardstick should be applied to all the departments that is applied to the Post Office Department. Particularly in view of the fact

that it is in reality a service department and has done more to develop this great Nation of ours than any other one Government agency.

The Postal Department is essentially a service department and since its inception has been so regarded. The Postal Department, I say again, has done more to develop this Nation than any other department of our Federal Government.

At the present time we are utilizing its employees to sell United States Government bonds for the Federal Government. Likewise, we are using its employees to sell postal-savings stamps. Repeatedly, we have used the employees in making conservation surveys, crop surveys, and cattle surveys, and not more than 10 years ago we used the employees of this very important department in taking the farm census.

I respect the gentleman from Tennessee [Mr. MURRAY] as chairman of our committee, however, I do not agree with him at all times. He is very much concerned that if enacted into law, this measure which provides for an increase of \$150 across the board, would throw the Classification Act entirely out of balance. However, the gentleman from Tennessee, Chairman MURRAY, was very little concerned over an increase of \$100 across the board as contained in the Senate committee recommendation.

This meritorious legislation should be immediately passed by this body in the interest of good government. I sincerely hope that it will not be amended in such a manner as to injure its effectiveness, and likewise I sincerely hope it will not meet with unnecessary delays.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MURRAY of Tennessee. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. WALSH].

Mr. WALSH. Mr. Chairman, as you know, I was the author of the first discharge petition, and I am certainly offering no apologies here for that action. At the time the discharge petition was filed, around the 17th day of July, it appeared that the House of Representatives would adjourn statutorily upon the 31st day of July. I have no criticism of the committee for their conduct or the manner in which the hearings were held, but it was very obvious at that time that if we were to have action on the bill at this session, it would be by a discharge of the committee as it would be at least several months from that time before the committee could or would act and it would be impossible for us to have the bill presented to the House for consideration during this session of Congress. At the time I filed the discharge petition it was also obvious that the membership of this House were wholeheartedly behind this legislation; this fact was quickly verified for within three legislative days from the time the discharge petition was placed upon the Speaker's desk 218 signatures had been affixed. I do not think that has anything to do with the debate on the question of whether or not it was needed; nevertheless, I do feel that the discharge petition did speed up this legislation. We are all proud of that fact, and I think there is

little likelihood that this bill will be defeated.

Let me say to the Members present that the need for this legislation is now, not next year. We all receive letters from the people in our districts, from these employees of the Government in our postal service pointing out their needs. In my opinion, a letter carrier making \$2,550 a year with a family of four or five children is having a tough time of it. He wants the Congress of the United States to act now, not next year, as the need is now. I know; I have a wife and three children and I have great difficulty balancing my budget. I feel that we have a responsibility to these people who are carrying our mails and who are working in our post offices. There is no greater or more loyal service in our Nation today among our Government employees than in the postal service, and I for one am proud to support this legislation. I am confident that it will be enacted into law.

Mr. MURRAY of Tennessee. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. DAVENPORT].

Mr. DAVENPORT. Mr. Chairman, there are 495,000 employees serving the public in the United States post offices. They, together with their families, total up to millions of law-abiding, hard-working American citizens. They represent a sizable segment of the Nation's population. It is an important segment, reaching into every city, village, and hamlet.

No one has better expressed the spirit of the post office and what it means to the national economy than Charles Sumner, noted public figure of the past, who wrote as follows:

Of all existing departments, the post office is most entitled to consideration, for it is the most universal in its beneficence. That public welfare which is the declared object of all the departments appears here in its most attractive form. There is nothing which is not helped by the post office. Is business in question? The post office is at hand with invaluable aid, quickening and multiplying its activities. Is it charity? The post office is the Good Samaritan, omnipresent in all the highways of the land. Is it the precious intercourse of friends? The post office is carrier, interpreted, handmaid. Is it education? The post office is schoolmaster, with school for all and scholars by the million. Is it the service of the Government? The post office lends itself so completely to this essential work that the national will is carried without noise to the most remote corners and the Republic becomes one and indivisible. Without the post office there would not be that national unity with irresistible guaranty of equal rights to all which is the glory of the Republic.

Yes; it is the postal employee who is "the ambassador of Uncle Sam to the American home." He, in what he represents, is one of the most important persons in the life of every American.

It is imperative, therefore, that he be permitted to earn an adequate livelihood. It is important that he be able to decently and adequately feed, clothe, and shelter his family. But he has not had this opportunity in the past many years. In spite of the admittedly inadequate pay raise given him recently, he is still debt-

ridden. He is still forced to work at other jobs to the detriment of his health and well-being. He is still unable to give his children the opportunities enjoyed by so many others.

The passage of H. R. 4495 means much to the postal employee. It means much more to the welfare of the entire Nation. Why? Let me tell you why.

First. Many postal employees are now working at part-time jobs. According to labor experts, an increase of a few hundred dollars annually in many of the low-pay public employment categories—such as the post office—would "take most of these part-time workers out of the competitive employment market. This, they point out, would result in a general economic improvement that would more than offset the additional cost of government." In these days of rising sporadic unemployment this would be an important factor in alleviating such unemployment.

Second. Increased wages to postal employees will mean increased spending. Most postal employees have done without many necessities they need in the home, such as refrigerators, washing machines, clothing, and a host of others. With increased wages they will be able to buy some of these articles, thus creating a totally new market and providing a new stimulus to business. It is important to remember that this is a potential market of millions of new customers.

Third. Presently, it is increasingly difficult to secure personnel for the Post Office because of low beginning salaries and the generally inadequate pay schedule. Furthermore, the labor turn-over is abnormally high. The expense involved in training postal employees to that high degree of efficiency so necessary to the expeditious handling of the mails is doubled and trebled when such highly trained employees leave the service. Actually it would be a measure of economy to so increase postal salaries that labor turn-over will be reduced to the minimum. Furthermore, with the increasing of low starting salaries, the postal service will be able to attract the very highest type of personnel, who will be eager to make the service their career, if they can earn an adequate living.

Fourth. Also, such a salary increase may mean much to the future of America. The hundreds of thousands of children in postal families will not be denied their chance in life to secure an adequate education, which may even include college, because of the inability of their parents to support them while they are pursuing their education. Those thousands of boys and girls presently attending high school, who desire to enter schools of higher education, and who now are unable to do so because of their parents' need, may be able to do so, if Congress grants an adequate postal-salary increase. This will mean a better-educated, a better-trained group of citizens, who will some day guide the destinies of our Republic. The rewards of an adequate postal-salary increase, in this instance, are incalculable.

Fifth. Such salary increase will strengthen the morale of all postal employees, who have long labored under

increasingly difficult financial conditions. And, as it is well known, it is the satisfied employee who is the best employee.

Sixth. To those who say that salary increases would not be now in the interests of economy, I reply that inadequate salaries, in the long run, are not true economy. Rather, such economy should be secured by eliminating unnecessary services and improving the necessary activities of the Postal Department.

Therefore, it is for the above-enumerated reasons that I earnestly request the passage of H. R. 4495. It is a necessary bill. It should be enacted into the law of the land.

Mr. REES. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, having served on the Committee on Post Office and Civil Service for 10 years, I know what is involved in this bill. I favor many of the provisions of this bill but not all. I am violently opposed to that provision of the bill which would place all new appointees in the postal service in grade 3 to start out with. When we built the Reclassification Act several years ago we made 11 different grades, we doubled the number of grades in the postal service. Then we gave 3 other grades in the line of longevity, which made 14 grades in the postal service; and we did that in order to make it a career, in order to attract the young chap right out of high school, 17 or 18 years of age, into the postal service, and let him start on this promotional ladder. In this bill they are seeking to cut out two of those lower grades. They are going to do this: They are going to give the high-school graduate of 17 or 18 years of age a bigger salary to start out with in the postal service than the average high-school teacher of the United States gets.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. MASON. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. I may say that I feel very much like the gentleman does about this. Perhaps these legislatively supported raises during the past few years have made a reclassification bill absolutely necessary. I shall support this legislation, in the hope that the Senate might brush it up a bit. However, along the lines the gentleman just spoke, may I say that I called the National Educational Association a few minutes ago and was advised that for the school year 1947-48 the national average teacher salary was \$1,995. The entrance salary under this bill for a common laborer, which is a janitor in a second-class post office, will be in excess of \$2,500.

Mr. MASON. The entrance salary in this bill will be upped from \$2,550 to \$2,900, which is more than the average high-school teacher gets.

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

Mr. REES. Mr. Chairman, I yield the gentleman one additional minute.

Mr. MASON. Mr. Chairman, the high-school boy leaving his classes, graduating from high school, will start at a salary higher than his high-school teacher gets. I think that breaks into this career serv-

ice and I think it ought to be corrected. I am going to offer an amendment to the bill to strike that provision of the bill which does away with this grade in the postal service.

Mr. CROOK. Mr. Chairman, will the gentleman yield?

Mr. MASON. I yield to the gentleman from Indiana.

Mr. CROOK. I was very much interested in the statement in regard to the annual salary of teachers of the United States being \$1,900 on the average. I consider that the average salary of school teachers of the United States has nothing to do with this bill. It is a shame and a crime against the American citizenship that we have tolerated such miserably low salaries for school teachers.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. REES. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. JAVITS].

Mr. JAVITS. Mr. Chairman, I had not intended to refer to the subject mentioned by my distinguished colleague from Illinois, but it does seem to me the fact that teachers are miserably underpaid is no reason why we should add to that burden on our economy by miserably underpaying the post-office employees. I would join with the gentleman in a most vigorous effort to help raise the level of teacher salaries which we feel are so low as to imperil the educational, indeed the general standards of the upbringing of American youth upon whom this very complicated future which we are peering into will substantially depend.

I have one point to make which induced me to ask for time from the chairman. First I think it should be specified that from a great survey made of some 10,000 post-office clerks by their own national federation it appeared that some 30.9 percent of all of them had to seek additional employment on a part-time basis to get along and that about 28.3 percent had to find jobs for their wives in order to get along themselves.

The second point which I think is important is this: There are two schools of philosophy. One says the Post Office Department is a Government agency. If it is, then the Government ought to have the dignity and the responsibility to pay its people decently. On the other hand, if it is a business concern, none of us would tolerate an inefficient business concern taking its inefficiency and its losses out of the wages of its workers. We would insist that such a business go out of existence. This particular firm cannot go out of business, and, therefore, I think the burden is upon those who feel it is an inefficient business firm to fight for legislation which will make it solvent. I do not think that is any reason why the legitimate demands of the people who work for this business concern should be blocked. I hope this legislation will pass today.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield to the gentleman from Iowa.

Mr. GROSS. I would like to make the observation that if the Federal Government would quit milking tax moneys from the States they would have some money to pay their teachers.

Mr. JAVITS. I thank the gentleman for his observation.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. REES. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Chairman, we people who want justice for the postal employees are here today to urge the passage of the Miller bill, H. R. 4495. I heartily favor this legislation and shall vote for it.

This bill is necessary as a first step. First, it removes many discriminations in the postal service which are not discriminations in other civil-service grades in the Government. Secondly, it gives an increase in compensation, which is just a partial increase, of \$150 on the average, as well as eliminating the two lowest grades, advancing all employees to grade 3. Third, it gives additional annual leave which certainly is welcome and deserved.

I had heard that there was a possible estimated deficit of probably \$500,000,000 in the Post Office Department. The answer to such possible deficit is, that if this Congress will adopt the recommendations of the Hoover Commission, we will then save \$3,000,000,000 in the next fiscal year, which is a saving of six times the possible deficit of the Post Office Department. The American people will get efficiency by making the postal service a career service and a tax reduction by passing this bill and the Hoover Commission recommendations. Increased efficiency in the postal facilities will gain not only a better service, but a better standard of living for those employees.

I believe if this administration can afford to finance operas for European cities, then Congress and the American people certainly can afford a wage that will buy shoes and provide a better standard of living for our postal employees. The argument that teachers are also not well paid, is no argument against giving these postal employees an adequate level of living or decent wages. Our trouble is that possibly the postal employees have given such quiet, efficient, and regular service in bringing the mails to the front doors of our homes all over the United States that Congress has consistently overlooked them in the past.

In conclusion, may I say that I agree with the gentleman from California [Mr. MILLER] when he said that Congress has lagged with the postal employees, and all we are doing is trying to catch up by this bill. I heartily agree with that statement and urge my colleagues to vote for this bill.

May I say further in conclusion that I believe it is not entirely the committee's fault that this measure lagged because, as was pointed out here, the report from the Civil Service Commission was only made to the committee on August 5, the day the committee reported out the bill. The report by the executive office of the

President, the Bureau of the Budget, was delayed until July 30, 1949, just 6 days before the committee reported the bill out, and the office of the Postmaster General only made its report on July 20, 1949. I believe that from the time the committee received the report of the subcommittee, and started working on it, that they did an expeditious job. But I am one of those who signed the petition to discharge the committee to obtain quick action on this bill to increase the pay of postal employees and feel that it aided in getting this legislation on the floor.

Mr. REES. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON. Mr. Chairman, I am pleased to support H. R. 4495 which gives certain pay increases and other benefits to postal employees. I have consistently supported adjustments upward in the pay schedule of postal employees.

The leave benefits per annum are increased from 15 to 20 days. I think it should be increased to 26 days, the same as we give to general civil-service employees. No logical reason has been given why the postal people should not have the same leave as other Federal employees.

Another matter in which I have been interested since 1920 is that all postmasters in the larger offices be recruited from career postal employees. There is no reason why these men who are devoting their life to the postal service should not be able to look forward to holding the top job in the post office. The appointments should be taken out of politics and placed strictly on a merit basis. Some day we may, I hope, enact the necessary legislation to bring that sort of a postal system.

Mr. MURRAY of Tennessee. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, I wish to reiterate my opening statement to the effect that I do not think this is the best-considered bill that could be brought out by our committee. It is a compromise bill. I voted in the committee against several of the provisions in the bill as reported out. I favored the report of the subcommittee, but the majority of the full committee would not adopt the report of the subcommittee and reported out the bill now before your committee. I lost out in the fight, but I am going along with my committee. I was in the minority. I am going to support the bill because it comes from the committee of which I have the honor to be chairman, although I do not look with favor upon certain provisions of the bill.

For instance, why do I say that the bill is not well considered and is not the best bill we could bring out? You take this provision about longevity grades. Longevity grades are for long and faithful service, and there should be a uniform, standard period of time for all longevity grades for all employees.

What do we have in this bill? Those employees who have only six automatic grades get their first longevity grade in 6 years. Think of that—putting an employee on longevity in 6 years. The employee who has seven automatic grades

gets his first longevity grade in 7 years. The group of employees who have 11 grades, such as the city clerks and the city carriers in the first- and second-class post offices, get their first longevity grade at 11 years. The postmasters and supervisors begin getting their first longevity grade in 13 years.

Therefore, instead of having a uniform period for all longevity grades for all employees, you have some employees beginning to get their longevity pay in 6 years while others wait until 13 years. There ought to be just one set time of longevity for all these employees.

Something has been said here to the effect that we should not regard the deficit in fixing postal salaries. There are some who contend that we should have no regard for the deficit of our Post Office Department. They say the Post Office Department is a service agency, and you should not have any more concern about the deficit of that Department than you should about the Department of Agriculture or the Department of Commerce, because they, too, are service agencies.

I do not subscribe to that school of thought. It is true that the Post Office Department is a service agency, but it should be run, operated, and conducted upon business principles. I think those who use the mails for profit for business purposes should pay their proper part in carrying the burden of the cost of the Post Office Department.

At the close of the fiscal year ending June 30, 1949, the deficit of the Post Office Department was \$549,700,000, practically \$550,000,000. This bill, with amendments, of course, will make the deficit more than \$730,000,000. I am disturbed over the ever-growing deficit in our Post Office Department.

I am very much interested in this Congress passing a postal rate bill which will provide fair and adequate increases in certain classes of mail to help offset part of the cost of this bill. Your committee held hearings for 3 or 4 months on the postal-rate question. We expect to report out a bill, or at least I hope so, at our executive committee meeting next Thursday. I trust the Members will show the same interest in the passage of the postal rate bill, which will provide around \$125,000,000 additional revenue to help pay part of this increase we are voting today, as they have shown in this bill.

Mr. Chairman, I yield such time as he may desire to the gentleman from Minnesota [Mr. McCARTHY].

Mr. McCARTHY. Mr. Chairman, the principal point of debate on this bill is not the deficit in the Post Office Department. It is the point of whether or not the pay increases proposed in this bill are fair and just. The deficit in the Post Office Department has been used as a red herring. It was dragged out during the last campaign in an attempt to discredit the administration. It has been used again in opposition to pay increases for postal employees. There are two things to be kept in mind in considering the postal deficit. First, that the Post Office Department has been and remains basically a service agency. It was not expected when it was estab-

lished, nor has a tradition developed since that time, that the Post Office Department was to pay its own way or make a profit for the Government. Revenue considerations have been secondary to service. In the second place, a large part of the postal deficit is, insofar as the Post Office Department is concerned, a matter of accounting entries. The expense of carrying mail free for the Members of Congress and for the various Government agencies and departments is charged to the Post Office Department rather than to the respective agencies or persons. The deficit of the Post Office Department is increased further by hidden subsidies to the air lines and possibly also to steamship companies and railways. The responsibility of meeting this deficit rests on the whole population of the country, not upon the employees of the Post Office Department. The same is true of the general Federal deficit.

The important question for us in considering this bill is whether or not the postal-employee pay increases proposed in this bill are justified. I hold that they are, and for these reasons: The cost-of-living argument as it regards postal employees still carries weight. Last year's increase was not adequate to meet the increased costs of living of postal employees, and the evidence of a prospective fall in the cost of living does not indicate that this differential will soon be removed.

In addition to the cost-of-living argument, the comparative argument used so effectively in support of the military pay bill fortifies the case of the postal employees. The record shows that salaries now being paid to postal employees and to civil-service employees generally do not compare favorably with what is being paid in private industry, nor with what is being paid to Army personnel at the present scale, much less at the scale provided in the military pay bill which has been passed by both the House and the Senate.

I urge the passage of this bill.

Mr. MURRAY of Tennessee. Mr. Chairman, I yield such time as he may desire to the gentleman from Idaho [Mr. WHITE].

Mr. WHITE of Idaho. Mr. Chairman, I signed the discharge petition to bring this bill to the floor for consideration. I am for the bill and will vote for it.

Mr. MURRAY of Tennessee. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. DOYLE].

Mr. DOYLE. Mr. Chairman, I am surprised to hear the gentleman from the great State of Illinois [Mr. MASON] on the Republican side of the aisle, argue that he was opposed to these raises in pay in this bill, H. R. 4495, for the beginners in the postal service, because such raises would mean these postal employees would then be earning more per year than the salary of the average high-school teacher in our schools. His fallacious argument causes me to say that we should not continue the national disgrace of drastically underpaying our post-office employees, merely because we have not yet corrected the equally disgraceful and dangerous habit of allowing

thousands upon thousands of school teachers in America to be mistreated economically because we fail in terms of pay to either recognize their real strategic worth to the perpetuation of our American way of life. These teachers shape the destiny of American youth in a very large degree. The gentleman may be speaking in terms of sincerity, but his argument lacks either soundness in logic or relevancy to the purposes of bill, H. R. 4495.

During the Seventy-ninth session of Congress I also spoke before the Post Office Committee in support of adequate raises for the post-office employees. I have seen with my own eyes the false economy of our errors to date in this matter.

The Eighteenth Congressional District of California, which I have the honor to represent, expects that the men and women of the postal service, who so promptly and loyally serve them, shall be paid a dignified and adequate financial compensation and shall have a more reasonable annual and sick leave. I shall vote to reward their faithful and patriotic service, by voting "aye" on this bill. This bill should have a unanimous approval.

Mr. MURRAY of Tennessee. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. MITCHELL].

Mr. MITCHELL. Mr. Chairman, it is with great concern regarding the need for remedial action on postal employee wages that I urge favorable action on this postal salary increase legislation under consideration today. I refer to H. R. 4495. It has been my desire to place the facts relating to the necessity for this measure before the Congress.

On March 24, 1949, I wrote Chairman MURRAY, of the House Post Office and Civil Service Committee, and based my request for action on pay legislation on the cost of living in my congressional district, the First District in the State of Washington. In that letter I wrote:

I know personally of cases where the normal living costs of Federal families have been met only by the enforced employment of additional family members—frequently of the mother, who cannot justifiably be spared from the supervision of children. One postal carrier, a personal acquaintance, was forced to spend many night hours playing in an orchestra to meet family expenses. This being insufficient, the mother of his two small children also sought daytime employment.

On July 22, 1949, I submitted testimony to committee pointing out the basic need of our Federal employees for more adequate salaries. In that testimony, I quoted an employee survey in order to indicate the rapid rate in the cost of living increase. This condition was forcing the reduction of the individual employee's backlog of savings of cash and war bonds at a startling rate. Referring to the latest information available at that time, I told the committee that the Bureau of Labor Statistics, in a survey of all major cities, had rated Seattle as second high in the cost of living index. According to the Bureau of Labor Statistics figures for June 1947, the cost of goods and services in the Seattle city

worker's family budget was \$3,054 per year.

According to statistics recently released by the United States News and World Report from this same Bureau, the Seattle family of four today requires \$3,544 for what is defined as a "modest but adequate" annual budget.

But let us contrast this with figures from an informed survey of classified and unclassified employees in the Seattle Post Office. The average annual salary, according to the survey, was \$2,755.92. The average postal employee in Seattle is receiving \$788 less than what the Bureau of Labor Statistics defines as a "modest but adequate" budget. According to the survey, the great majority of Seattle Post Office employees' salaries ranged from \$1,750 to \$3,650, consequently very few are above the point where they can break even. Furthermore, those in the lowest classification are \$1,794 below an adequate family income.

Mr. Chairman, with the cost of living rising in 1947 and 1948, the inaction of the Eightieth Congress made life difficult for the low-salary bracket Federal employees. The survey mentioned indicated that 23 percent of the employees had to work on extra jobs in order to meet family living costs. It indicated that 37 percent of the post office employee wives were obliged to work and were thus taken away from their homes and family duties. The survey further indicates that 77 percent of the employees have been forced to draw on their savings accounts in order to meet the current high cost of living. May I add that 21 of the remaining 23 percent indicated that their savings had been dissipated.

The survey found that 60 percent of the employees have been forced to cash their war savings bonds. This development taking place almost simultaneously with the Treasury Department's plan for the most extensive bond selling drive in history is indeed derisive. Without a cost of living pay raise, the one-fifth of the postal employees in this one city who have been forced to cash \$624,456 worth of bonds will be in no position to assist the drive.

The survey concludes that 95 percent of the employees were, during this past year, forced to augment their Post Office salaries by either (1) working on a part time job, (2) wife was obliged to work, (3) drawing on their savings accounts, (4) cashing war savings bonds, or (5) borrowing money.

Mr. Chairman, the findings of this survey speak more clearly than I can as to the financial need of Government employees.

Mr. Chairman, it is my hope that this Congress will act now to bring Federal wages into better relationship with the cost of living. A forward step can be taken today by passing H. R. 4495.

Mr. MURRAY of Tennessee. Mr. Chairman, I have no further requests for time on my side.

Mr. REES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That section 6 of the act entitled "An act to reclassify the salaries of postmasters, officers, and employees of the postal service; to establish uniform procedures for computing compensation; and for other purposes," approved July 6, 1945, as amended, is hereby amended to read as follows:

"ANNUAL AND SICK LEAVE

"SEC. 6. (a) Postmasters and employees shall be granted 26 days' leave of absence with pay, exclusive of Saturdays, Sundays, and holidays, each fiscal year, and sick leave with pay at the rate of 15 days a year, exclusive of Saturdays, Sundays, and holidays, to be cumulative. Sick leave shall be granted only upon satisfactory evidence of illness in accordance with regulations to be prescribed by the Postmaster General: *Provided*, That the 26 days' leave shall be credited at the rate of $2\frac{1}{2}$ days for each month of actual service: *Provided further*, That classified substitute employees, under such regulations as the Postmaster General may prescribe, shall be granted the same rights and benefits with respect to annual and sick leave that accrue to regular employees in proportion to the time employed in a pay status: *And provided further*, That in no event shall a classified substitute employee be credited during a 12-month period with more than 26 days' annual and 15 days' sick leave.

"(b) The authorized absence of a rural carrier on Saturdays which occurs within or at the beginning or end of a period of sick or annual leave of five or more days' duration (or 4 days' duration if a holiday falls within or at the beginning or end of the period of sick or annual leave) shall be without charge to such leave or loss of compensation: *Provided*, That Saturdays occurring in a period of annual or sick leave taken in a smaller number of days may at the option of the carrier be charged to his accrued leave and when so charged he shall be paid for such absence."

SEC. 2. Section 25 of such act of July 6, 1945, as amended, is hereby amended to read as follows:

"SEC. 25. (a) Except as provided in subsection (b), allowable service under this act shall be only such continuous active service as has been rendered and shall not include previous periods or terms of employment, except that in the case of employees who have been separated or shall hereafter be separated from the field service of the Post Office Department for military duty, or to comply with a war transfer as defined by the Civil Service Commission, the periods or terms of such service immediately preceding entry into military service or immediately preceding such transfer, as well as the time engaged in military service and service on war transfer, shall be construed as allowable service, and pro rata credit shall be given for the time engaged in military service and service on war transfer for each year of such service.

"(b) In recognition of longevity of service, the compensation of each employee to whom this act applies, except employees paid on an hourly basis, shall be increased by \$100 at the completion by such employee of 10, 13, 17, and 22 years' service, respectively. Such increases in compensation shall be in addition to all other compensation to which such employee may be entitled. For the purposes of this subsection, all service heretofore or hereafter rendered in the postal field service by such employee shall be credited."

SEC. 3. (a) Each employee in the postal field service on June 30, 1949, whose original appointment to a regular position was to a grade lower than grade 5 under such act of July 6, 1945, as amended, and who has not progressed to grade 5, shall, as of July 1, 1949, be placed in grade 5.

(b) Each person whose original appointment to a regular position in the postal field

service is made after June 30, 1949, shall be placed in grade 5.

(c) For purposes of promotion with respect to any grade in which more than 1 year of satisfactory service is required for promotion to the next higher grade under such act of July 6, 1945, as amended, any officer or employee (1) who has attained the highest grade in which not more than 1 year of satisfactory service is required for promotion to the next higher grade, and (2) who had to his credit before July 1, 1945, a period of service which is greater than the total period of service required for placement in the next grade higher than the grade specified under clause (1), shall have credited to him, as faithful and meritorious service performed in grade, such part of such greater period of service as is in excess of such total period of service specified under clause (2).

SEC. 4. (a) All postmasters at post offices of the first, second, and third classes, and officers and employees in the postal field service who are paid on a per annum basis shall receive additional compensation at the rate of \$150 per annum.

(b) Subsection (a) shall take effect on the first day of the first pay period which begins after the date of enactment of this act.

SEC. 5. (a) Section 3867 of the Revised Statutes is hereby amended to read as follows:

"Sec. 3867. The Postmaster General may prescribe a uniform to be worn by city and village delivery letter carriers, special-delivery messengers, motor-vehicle employees, custodial guards, elevator operators, and watchmen. Each such employee for whom a uniform is prescribed shall be paid an allowance of \$100 per annum for purchase of uniforms."

(b) Section 1730 of title 18 of the United States Code is hereby amended to read as follows:

"§ 1730. Uniforms of Carriers.

"Whoever, without authorization, wears any uniform or badge prescribed by the Postmaster General to be worn by employees in the postal field service, shall be fined not more than \$100 or imprisoned not more than 6 months, or both."

SEC. 6. (a) Existing efficiency rating systems for appraisal of the service of officers and employees in the postal field service are hereby abolished. No efficiency rating system shall hereafter be established.

(b) Subsection (a) shall not be held to prevent the discharge of any such officer or employee for unsatisfactory service.

Mr. MASON (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open for amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause, and insert the following:

"That section 6 of the act entitled 'An act to reclassify the salaries of postmasters, officers, and employees of the postal service; to establish uniform procedures for computing compensation; and for other purposes', approved July 6, 1945, as amended, is hereby amended to read as follows:

"ANNUAL AND SICK LEAVE

"Sec. 6. (a) Postmasters, officers, and employees shall be granted 20 days' leave of absence with pay, exclusive of Saturdays, Sundays, and holidays, each fiscal year, and sick leave with pay at the rate of 10 days a year, exclusive of Saturdays, Sundays, and holidays, to be cumulative, except that no

postmaster, officer, or employee shall be permitted to accumulate more than 60 days' annual leave. Sick leave shall be granted only upon satisfactory evidence of illness in accordance with regulations to be prescribed by the Postmaster General: *Provided*, That the 20 days' leave shall be credited at the rate of 1½ days for each month of actual service: *Provided further*, That classified substitute employees, under such regulations as the Postmaster General may prescribe, shall be granted the same rights and benefits with respect to annual and sick leave that accrue to regular employees in proportion to the time employed in a pay status: *And provided further*, That in no event shall a classified substitute employee be credited during a 12-month period with more than 20 days' annual and 10 days' sick leave.

"(b) The authorized absence of a rural carrier on Saturdays which occur within or at the beginning or end of a period of sick or annual leave of five or more days' duration (or 4 days' duration if a holiday falls within or at the beginning or end of the period of sick or annual leave) shall be without charge to such leave or loss of compensation: *Provided*, That Saturdays occurring in a period of annual or sick leave taken in a smaller number of days may at the option of the carrier be charged to his accrued leave and when so charged he shall be paid for such absence."

"Sec. 2. (a) In the case of employees (except employees paid on an hourly basis) for whom additional grades for faithful and meritorious service are not provided in such act of July 6, 1945, as amended, there are hereby established three additional grades. Each such employee promoted to each such additional grade shall receive an increase in compensation of \$100 per annum. Each such employee shall be promoted (1) to the first such additional grade after 3 years of faithful and meritorious service in the highest automatic grade, (2) to the second such additional grade after 5 years of such service in the first additional grade, and (3) to the third such additional grade after 7 years of such service in the second additional grade.

"(b) In the case of employees for whom only two additional grades for faithful and meritorious service are provided in such act of July 6, 1945, as amended, there is hereby established a third additional grade. Each such employee promoted to such third additional grade shall receive an increase in compensation of \$100 per annum. Each such employee who performs faithful and meritorious service for 7 years in the higher additional grade provided in such act of July 6, 1945, as amended, shall be promoted to such third additional grade.

"Sec. 3. (a) Each employee in the postal field service on the day before the day on which this act takes effect, whose original appointment to a regular position was to a grade lower than grade 3 under such act of July 6, 1945, as amended, and who has not progressed to grade 3, shall, as of the effective date of this act, be placed in grade 3.

"(b) Each person whose original appointment to a regular position in the postal field service is made on or after the effective date of this act shall be placed in grade 3 at the time of such appointment.

"(c) For purposes of promotion with respect to any grade in which more than 1 year of satisfactory service is required for promotion to the next higher grade under such act of July 6, 1945, as amended, any officer or employee (1) who has attained the highest grade in which not more than 1 year of satisfactory service is required for promotion to the next higher grade, and (2) who had to his credit before July 1, 1945, a period of service which is greater than the total period of service required for placement in the next grade higher than the grade specified under clause (1), shall have cred-

ited to him, as faithful and meritorious service performed in grade, such part of such greater period of service as is in excess of such total period of service specified under clause (2).

"Sec. 4. (a) All postmasters, officers, and employees in the postal service whose rates of compensation are prescribed by such act of July 6, 1945, as amended, shall receive additional compensation at the rate of \$150 per annum: *Provided*, That employees paid on an hourly or part-time basis shall receive additional compensation at the rate of 5 cents per hour: *Provided further*, That postmasters at post offices of the fourth class shall receive additional compensation at the rate of a sum per annum equal to 5 percent of their basic annual compensation.

"(b) Subsection (a) shall not apply to skilled-trades employees of the mail-equipment shops, job cleaners in first- and second-class post offices, and employees who are paid on a fee or contract basis.

"Sec. 5. (a) Section 3867 of the Revised Statutes is hereby amended to read as follows:

"Sec. 3867. The Postmaster General may prescribe a uniform dress to be worn by city and village delivery letter carriers, special-delivery messengers, motor-vehicle employees, custodial guards, elevator operators, and watchmen. The Postmaster General shall furnish uniforms to each such employee for whom a uniform dress is so prescribed, of a cost not to exceed \$100 per annum with respect to each employee, except that, in any case where in his judgment it is in the interest of the postal service, he may authorize such employees, or any of them, to purchase uniforms individually and shall reimburse each such employee purchasing uniforms pursuant to such authorization for the cost thereof, but reimbursement to any such employee shall not exceed \$100 per annum."

"(b) Section 1730 of title 18 of the United States Code is hereby amended to read as follows:

"Sec. 1730. Uniforms of Carriers.

"Whoever, without authorization, wears any uniform or badge prescribed by the Postmaster General to be worn by employees in the postal field service, shall be fined not more than \$100 or imprisoned not more than 6 months, or both."

"Sec. 6. This act shall take effect on the first day of the first pay period which begins after the date of its enactment."

Mr. MURRAY of Tennessee (interrupting the reading of the committee amendment). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. MURRAY of Tennessee. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. MURRAY of Tennessee to the committee amendment: On page 7, line 11, strike out the words "employed in a pay status" and insert in lieu thereof the words "on the roll."

The amendment to the committee amendment was agreed to.

Mr. MURRAY of Tennessee. Mr. Chairman, I offer another amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. MURRAY of Tennessee to the committee amendment: Page 8, after line 23, insert the following:

"(c) In recognition of longevity of service—

"(1) the basic annual compensation of (A) each postmaster at a post office of the first,

second, or third class, and (B) each officer or employee to whom such act of July 6, 1945, as amended, applies, who is in a single salary grade with no provision for automatic promotion, shall be increased by \$100, and

"(2) the basic annual compensation of each postmaster at a post office of the fourth class shall be increased by 5 percent, upon completion by such postmaster, officer, or employee of 13, 18, and 25 years of service, respectively. Such increases in compensation shall be in addition to all other compensation to which such postmaster, officer, or employee may be entitled. For the purposes of this subsection, all service heretofore or hereafter rendered in the postal field service by such postmaster, officer, or employee shall be credited."

The amendment to the committee amendment was agreed to.

Mr. MURRAY of Tennessee. Mr. Chairman, I offer another amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. MURRAY of Tennessee to the committee amendment: On page 11, line 7, strike out the word "carriers" and insert in lieu thereof the words "postal employees."

The amendment to the committee amendment was agreed to.

Mr. REES. Mr. Chairman, I offer an amendment to the committee amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. REES to the committee amendment:

On page 9, line 1, strike out the words "to a regular position."

On page 9, lines 5 and 6, strike out the words "to a regular position."

Mr. REES. Mr. Chairman, this is the amendment I discussed earlier in the day. It is in accord with the objectives of the bill, to raise the salaries of substitutes, in line with those who are regarded as being regularly employed.

Substitute employees may be employed for a considerable period of time before they are named as regular employees. Some of them are employed for a year, or 2 or 3 or 4 years. There was one case which was called to my attention of a man who was employed for 10 years and was still a substitute employee. He was working regularly, and had been for a long time, but classified as a substitute employee. There are approximately 100,000 in this class—about 20 percent of the entire group. My amendment simply provides that substitute employees may be included under the act.

I cannot understand why those who drafted the measure did not include this group of people. In my opinion, they are just as deserving of this consideration as those who are classified as regular employees.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Iowa.

Mr. JENSEN. Is it not a fact that substitute employees must hold themselves in readiness at all times for a call to duty?

Mr. REES. That is correct. And they are required to be just as well qualified as regular employees.

Mr. JENSEN. And if they are not on hand when the call to duty is made, they

are penalized, and possibly the second time they are taken off the list?

Mr. REES. That is frequently done.

Mr. JENSEN. Now, because of that very thing, I believe the gentleman's amendment is entirely justified, because we could not carry on the mails in the manner in which they are presently carried were it not for the substitute mail carriers and clerks who hold themselves in readiness at all times and in every emergency. So I hope the committee will agree to the gentleman's amendment.

Mr. REES. Without the amendment there are approximately 100,000 deserving substitute employees who will be left out. If you approve this legislation for regular employees, there could be little justification in leaving this group out. Many of them have been employed for periods as long as those classified as regulars.

Mr. MURRAY of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the distinguished chairman of our committee.

Mr. MURRAY of Tennessee. How much will your amendment cost?

Mr. REES. This amendment, I am informed, will cost approximately \$12,800,000, but it involves 20 or 25 percent of all of the employees in postal service. You are spending \$158,000,000 under the bill, and it seems to me that this group of people is just as deserving as other employees in the postal service.

Mr. MURRAY of Tennessee. This bill, with the amendment to the committee amendment just adopted, will cost about \$167,000,000, and with the cost of your amendment it will make it cost nearly \$180,000,000. Does your amendment cover only classified substitutes?

Mr. REES. Classified substitutes.

Mr. MURRAY of Tennessee. It does not cover the temporary employees?

Mr. REES. Yes; it would include the temporary employees. Even though temporary employees work for only a few days, or possibly 3 or 4 weeks, they perform the same service as those regularly employed.

Mr. MURRAY of Tennessee. What do you do about those temporary carriers who are appointed for only 2 or 3 weeks? Would they be included?

Mr. REES. That is correct. It seems to me you would have a considerable amount of difficulty in administering the act if you leave out what is described as temporary employees. Furthermore, there are comparatively few of them.

Mr. JENKINS. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the distinguished gentleman from Ohio, who has always been interested in the problems of employees in the postal service, as well as other Government employees.

Mr. JENKINS. Is it not true that the situation you are trying to correct in this amendment is the one situation that has brought more complaint and more dissatisfaction in the postal service than anything else?

Mr. REES. This is one of the problems that has created a considerable amount of complaint. Many substitute employees tell us that they have been employed for 4, 5, 6, or even 10

years, some of them longer than those classified as "regulars," and yet do not receive all of the benefits accorded those in the regular service.

My amendment is justified. It should be adopted.

Mr. McDONOUGH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Kansas. I believe there should be no discrimination between the regular and the temporary employees.

And while we are discussing the question of the pay of postal employees, I would like to say a word about the totally inadequate, hazardous, dangerous, and insanitary conditions in which many postal employees have to work. I do not know how many of the Members have taken the time to go into branch post offices in their congested areas, but I have. I have gone into some of these small branch post offices in congested city areas, and I will tell you frankly that private industry would not be permitted to keep their employees in the poorly lighted branch post offices with insanitary conditions in which we, the United States Government, ask our postal employees to work.

I know of a condition in the city of Los Angeles where they have to sort the mail in cardboard boxes outside of the building that is leased for postal purposes. I know of branch post offices where the light provided is so inadequate that it has affected the eyesight of the employees who work there. I know of places where there is not sufficient drainage around the branch post offices; the water runs in on the floor and the people have to work with wet feet all day. That is inexcusable. I introduced a bill that is before the Committee on Post Office and Civil Service to insist upon a change of specifications where the Post Office Department goes out to lease a building if it cannot buy, if it has not the money to buy, where it leases a building for a branch post office, the specifications are not lived up to, they have not enough light, they have not enough air, the employees are forced to work in quarters that, as I said, private industry could not tolerate because of State industrial commissions and welfare commissions.

So I am very much in favor of this bill and the amendment offered by the gentleman from Kansas.

Let me call the attention of the membership to this other matter that we should go into very soon, and I hope the committee will take up my bill and give some consideration to it, because the employees of the postal service are deserving of better working conditions, better pay, and better all-around conditions than they are now receiving at the hands of the Congress.

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

Mr. MURRAY of Tennessee. Mr. Chairman, I think the amendment is fair. In view of the other provisions of the bill I see no reason why substitute and temporary employees should not be accorded equal treatment. As far as I am concerned I will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas to the committee amendment.

The amendment was agreed to.

Mr. MASON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MASON: Strike out all of lines 5, 6, 7, and 8 on page 9.

Mr. MASON. Mr. Chairman, I shall read the lines that my amendment would strike:

Each person whose original appointment to a regular position in the postal field service is made on or after the effective date of this act shall be placed in grade 3 at the time of such appointment.

Mr. Chairman, that simply means that every starting employee in the postal department from now on will be started in grade 3. What is the result? Under present conditions the starting salary in grade 1 is \$2,550. They will start under this bill at \$2,900.

These 11 classifications, plus the 3 for longevity, were drafted in order to make a career service out of the postal department. They were drafted to attract into the service at the lower level the promising high-school graduates of this country. These classifications were not drafted to have a man with 4, 5, or 6 children to support come in at that lower grade. The high-school graduate of 17 or 18 does not have any children to support. We want him in there in order to work up through these steps in this classification ladder.

Mr. Chairman, in my opinion, we are spoiling the career program by increasing those in the first grade. We are giving the starting employee more than we are giving anyone else all along the line. We are giving them an increase of \$350, which is more than anyone else in the service gets.

I hope my amendment will be agreed to.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois.

Mr. Chairman, the matter of striking out the two lower grades is a compromise at the present time. The original bill called for striking out the four lower grades. This is a realistic approach to the problem. To my way of thinking, striking out the two lower grades only goes half way, but, like the chairman, I am accepting this as a compromise measure so far as the will of the committee is concerned.

Now, this theory of having high-school graduates enter the postal service sounds nice and looks good on paper, but it is not so good based on facts. The people who are being attracted to this type of work are men with families. The entering grades are very unrealistic today. They mean a take-home pay of less than \$35 a week to postal employees. I submit that is not very much.

I decry the fact, as does the gentleman who was an educator, that the average salary of high-school teachers is so extremely low. I am happy to say that in my State it is not in that low category. I think he makes a very good argument

for Federal aid to education and I shall support him on that when the time comes but that is not a proper matter to consider here. We are trying to do something for the underpaid postal workers, something to make their work more attractive to them.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Illinois.

Mr. MASON. I do not want the gentleman to think that I am making an argument for Federal aid to education, because I have argued against that proposition as a school man.

Mr. MILLER of California. I am very much surprised, I am somewhat chagrined to think that the gentleman is not realistic enough to appreciate that the only way he can help take care of the salaries of teachers in those States that are so impoverished they cannot do it any other way is through Federal aid. I am somewhat chagrined to think that my good friend, with whom I had the pleasure of serving on a committee, has taken such a very reactionary stand. But again we are not now debating that problem.

As I said, I think his argument is unrealistic. There is no relation between the salary of teachers and the salary of postal employees. We are trying to attract to this service people who will give an efficient performance, people who will be devoted to and interested in the service. That is the way it must be done. I sincerely hope that the gentleman's amendment is defeated.

Mr. CORBETT. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. MURRAY of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Tennessee.

Mr. MURRAY of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. EDWIN ARTHUR HALL. Mr. Chairman, I object.

Mr. CORBETT. Mr. Chairman, I will be very brief. I believe there is just one point that needs explaining regarding the elimination of the two lower grades.

There is pending before the Committee on Rules a bill, H. R. 87, which would provide for the elimination of up to the four lowest grades for veterans of the armed services who have entered the postal service. I believe since we are trying to be realistic we may as well recognize that almost 100 percent of the new employees that have been hired since the war have been veterans. They have been, in many cases, veterans with families, and the starting grade was regarded as much too low to give them a proper standard of living. I cannot agree with the gentleman who served with such distinction on the committee that this is going to ruin the career program. It will simply mean that the employees would reach the top grade 2 years sooner and would start at a salary \$200 higher. So, therefore, in consideration of the fact that these new em-

ployees are mostly veterans, that the starting salary has been too low in relation to the incomes of other groups and that the request for the elimination of the two lowest grades is a mighty reasonable compromise, I urge that the amendment be defeated.

Mr. EDWIN ARTHUR HALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall not take my 5 minutes, but I want to rise today to say that I am happy to support this bill, and I will go right down the line with it. I appeared before the committee, and I think they deserve a great deal of credit for the fine work they have done. I am glad to see that this postal pay raise bill is finally up here today so that we can all vote for it.

I am not going to inject a sour note into this debate. I am, however, going to point out the probability that since we will have passed this bill here today, there will be those who will come forward immediately and say that we have got to balance the budget and therefore it is going to be necessary to raise the postal rates. In other words, they are going to attempt to raise the penny post card according to the information I get. They are going to try to double the penny post card to raise it to 2 cents, a thing which I think would be the most outrageous, diabolical thing that was ever put on the shoulders of the American people. It is just like a sales tax, whether you like it or not, or whether you like to admit it or not. It is making the poor man, in this instance, pay the tax that the rich man ought to assume. You are depriving the average citizen of sending a message out that he can do today for a penny, and he will have to do it for 2 cents if you double the cost of the penny post card.

I am not going to argue about the possible necessity, of raising certain classes of postal mail. I am saying here and now, just as I said on previous occasions, that it comes with poor grace on any future legislation, motion, or measure that is brought on the floor of this House if this argument is used, "Well, we have raised the salaries of the postal employees. Let us saddle the American taxpayers by doubling the penny post card" and use that as a lame excuse. I do not think you can get away with it by doing this. We are going to raise the postal employees' salaries here today, a thing we should have done a long time ago. But, we have got to face the fact that there will be immediately a fight raised on the issue of attempting to balance the budget by doubling the penny post card. It is the only thing that the American rank and file have left to send messages at low cost. Let us give them that privilege and opportunity and not take a chance of bringing in future legislation to destroy that prerogative which they now enjoy.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MURRAY of Tennessee. Mr. Chairman, I move that all debate on the pending amendment do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentle-

man from Illinois [Mr. MASON] to the committee amendment.

The amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SIKES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 4495) to provide additional benefits for certain postmasters, officers, and employees in the postal field service with respect to annual and sick leave, longevity pay, and promotion, and for other purposes, pursuant to House Resolution 319, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

Mr. McDONOUGH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The question was taken, and the Speaker announced that the yeas appeared to have it.

Mr. McDONOUGH. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. The Chair thinks a quorum is not present.

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

The question was taken; and there were—yeas 333, nays 2, not voting 96, as follows:

[Roll No. 202]

YEAS—333

Abbutt	Bolling	Chudoff
Abernethy	Bolton, Md.	Church
Addonizio	Boykin	Clemente
Albert	Breen	Clevenger
Allen, Calif.	Brehm	Cole, Kans.
Andersen,	Brown, Ga.	Colmer
H. Carl	Bryson	Combs
Andresen,	Buchanan	Cooper
August H.	Buckley, Ill.	Corbett
Andrews	Burdick	Cotton
Angell	Burke	Coudert
Arends	Burleson	Crook
Aspinall	Burton	Cunningham
Auchincloss	Brynes, Wis.	Dague
Bailey	Camp	Davenport
Barden	Canfield	Davis, Ga.
Barrett, Wyo.	Cannon	Davis, Tenn.
Bates, Ky.	Carlyle	Davis, Wis.
Bates, Mass.	Carnahan	DeGraffenried
Battle	Carroll	Delaney
Beall	Case, N. J.	Denton
Bennett, Fla.	Case, S. Dak.	D'Ewart
Bennett, Mich.	Cavalcante	Dollinger
Bentsen	Ceiler	Dolliver
Biemiller	Chelf	Dondero
Bishop	Chesney	Doughton
Blackney	Chipperfield	Doyle
Boggs, Del.	Christopher	Durham

Eaton	Kerr	Poulson
Eberharter	Kilburn	Powell
Elliott	Kilday	Preston
Ellsworth	King	Price
Engel, Mich.	Kirwan	Priest
Evins	Kruse	Quinn
Fallon	Lane	Rabaut
Fenton	Lanham	Rankin
Fernandez	Larcade	Redden
Fisher	Latham	Rees
Fogarty	LeFevre	Regan
Forand	LeMke	Rhodes
Ford	Lesinski	Ribicoff
Frazier	Lichtenwalter	Rich
Fugate	Lind	Rivers
Fulton	Linehan	Rodino
Furcolo	Lodge	Rogers, Fla.
Gamble	Lucas	Rooney
Gary	Lyle	Roosevelt
Gathings	Lynch	Sadlak
Gavin	McCarthy	St. George
Golden	McConnell	Sanborn
Gordon	McCormack	Sasser
Gorski, Ill.	McCulloch	Scott, Hardie
Gorski, N. Y.	McDonough	Scrivner
Gossett	McGrath	Scudder
Graham	McGregor	Secrest
Granahan	McGuire	Shafer
Granger	McKinnon	Sheppard
Grant	Mack, Wash.	Sikes
Gross	Macy	Simpson, Ill.
Hagen	Madden	Simpson, Pa.
Hale	Magee	Sims
Hall	Mahon	Smathers
Edwin Arthur	Marcantonio	Smith, Kans.
Hall	Marsalls	Smith, Wis.
Leonard W.	Marshall	Spence
Halleck	Mason	Staggers
Hand	Morrow	Stanley
Hardy	Meyer	Stefan
Hare	Michener	Stigler
Harris	Miles	Stockman
Harrison	Miller, Calif.	Sullivan
Hart	Miller, Md.	Sutton
Havener	Miller, Nebr.	Taber
Hays, Ark.	Mills	Tackett
Hedrick	Mitchell	Talle
Heffernan	Monroney	Taylor
Heller	Morgan	Teague
Herlong	Morris	Thomas, Tex.
Herter	Morrison	Thompson
Heselton	Morton	Thornberry
Hill	Moulder	Tollefson
Hinshaw	Murdock	Towe
Hobbs	Murray, Tenn.	Trimble
Hoffman, Ill.	Murray, Wis.	Underwood
Hollfield	Nelson	Van Zandt
Holmes	Nicholson	Velde
Hope	Nixon	Vorys
Howell	Noland	Vursell
Hull	Norrell	Wadsworth
Jackson, Calif.	O'Brien, Ill.	Wagner
Jackson, Wash.	O'Brien, Mich.	Walsh
Jacobs	O'Hara, Ill.	Welch
James	O'Hara, Minn.	Welch
Javits	O'Sullivan	Werdel
Jenison	O'Toole	Whitaker
Jenkins	Pace	White, Calif.
Jennings	Pasaman	White, Idaho
Jensen	Patman	Whitten
Johnson	Patten	Whittington
Jonas	Patterson	Wickersham
Jones, Ala.	Perkins	Wier
Jones, Mo.	Peterson	Wigglesworth
Jones, N. C.	Pfeifer	Williams
Judd	Joseph L.	Wilson, Ind.
Karst	Pfeiffer	Wilson, Okla.
Karsten	William L.	Winstead
Kearney	Philbin	Withrow
Kearns	Phillips, Tenn.	Wolverton
Keating	Pickett	Wood
Kee	Plumley	Woodruff
Kelley	Polk	Yates
Kennedy	Potter	Young
		Zablocki

NAYS—2

Hoffman, Mich.

Wheeler

NOT VOTING—96

Allen, Ill.	Buckley, N. Y.	Donohue
Allen, La.	Bulwinkle	Douglas
Anderson, Calif.	Burnside	Elston
Baring	Byrne, N. Y.	Engle, Calif.
Barrett, Pa.	Chatham	Feigman
Beckworth	Cole, N. Y.	Fellows
Bland	Cooley	Flood
Blatnik	Cox	Garmatz
Boggs, La.	Crawford	Gillette
Bolton, Ohio	Crosser	Gilmer
Bonner	Curtis	Gore
Bosone	Davies, N. Y.	Green
Bramblett	Dawson	Gregory
Brooks	Deane	Gwinn
Brown, Ohio	Dingell	Harden

Harvey	Mansfield	Sadowski
Hays, Ohio	Martin, Iowa	Scott
Hébert	Multer	Hugh D., Jr.
Hoeven	Murphy	Short
Horan	Norblad	Smith, Ohio
Huber	Norton	Smith, Va.
Irving	O'Konski	Steed
Kean	O'Neill	Tauriello
Keefe	Phillips, Calif.	Thomas, N. J.
Keogh	Pcage	Vinson
Klein	Rains	Walter
Kunkel	Ramsay	Willis
LeCompte	Reed, Ill.	Wilson, Tex.
Lovre	Reed, N. Y.	Wolcott
McMillan, S. C.	Richards	Woodhouse
McMillen, Ill.	Riehlman	Worley
McSweeney	Rogers, Mass.	
Mack, Ill.	Sabath	

So the bill was passed.

The Clerk announced the following pairs:

General pairs until further notice:

Mr. Gilmer with Mr. Hoeven.
Mr. Brooks with Mr. Crawford.
Mr. Hébert with Mr. McMillen of Illinois.
Mr. Boggs of Louisiana with Mr. Norblad.
Mr. McMillan of South Carolina with Mr. Reed of Illinois.
Mr. Allen of Louisiana with Mr. Gillette.
Mr. Huber with Mr. Curtis.
Mr. Multer with Mr. Lovre.
Mr. Tauriello with Mr. Riehlman.
Mr. Davies of New York with Mr. Smith of Ohio.
Mrs. Douglas with Mr. Bramblett.
Mrs. Norton with Mr. Harvey.
Mr. Dingell with Mr. Phillips of California.
Mr. Hays of Ohio with Mr. Martin of Iowa.
Mr. Rairs with Mrs. Harden.
Mr. Keogh with Mr. O'Konski.
Mr. Gregory with Mr. Reed of New York.
Mr. Sabath with Mr. Allen of Illinois.
Mr. Walter with Mr. Brown of Ohio.
Mr. Mack of Illinois with Mr. Kunkel.
Mr. Murphy with Mr. Kean.
Mr. Byrne of New York with Mr. Keefe.
Mr. Buckley of New York with Mr. Short.
Mr. McSweeney with Mr. Wolcott.
Mr. Bonner with Mr. Elston.
Mr. Garmatz with Mr. LeCompte.
Mr. Vinson with Mr. Anderson of California.
Mr. Richards with Mrs. Bolton of Ohio.
Mr. Green with Mr. Cole of New York.
Mr. O'Neill with Mr. Horan.
Mr. Donohue with Mr. Hugh D. Scott, Jr.
Mr. Barrett of Pennsylvania with Mrs. Rogers of Massachusetts.
Mr. Cooley with Mr. Fellows.
Mr. Blatnik with Mr. Gwinn.
Mr. Feighan with Mr. Thomas of New Jersey.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. MURRAY of Tennessee. Mr. Speaker, I ask unanimous consent that all members may have five legislative days to extend their remarks in the RECORD on the bill just passed.

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

There was no objection.

REFORESTATION AND REVEGETATION OF FOREST AND RANGE LANDS OF THE NATIONAL FORESTS

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 369, Rept. No. 1345), which was referred to the House Calendar and ordered to be printed:

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 the consideration of the resolution (S. J. Res. 53) to provide for the reforestation and revegetation of the forest and range lands of the national forests, and for other purposes. That after general debate, which shall be confined to the resolution and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the resolution shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

AID TO THE REPUBLIC OF KOREA

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 368, Rept. No. 1344), which was referred to the House Calendar and ordered to be printed:

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 the consideration of the bill (H. R. 5330) to promote world peace and the general welfare, national interest, and foreign policy of the United States by providing aid to the Republic of Korea. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill 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.

EXTENSION OF REMARKS

Mr. GATHINGS. Mr. Speaker, some time ago I received unanimous consent to extend my remarks in the RECORD and include a manuscript entitled "Harnessing the Wind for Electric Power." I am informed by the Public Printer that this will exceed two pages of the RECORD and will cost \$205, but I ask that it be printed notwithstanding that fact.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

Mr. CELLER asked and was given permission to extend his remarks in the RECORD.

Mr. COUDERT asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. McGRATH asked and was given permission to extend his remarks in the RECORD.

SPECIAL ORDER GRANTED

Mr. CANFIELD asked and was given permission to address the House tomorrow for 5 minutes, following any special orders heretofore entered.

EXTENSION OF REMARKS

Mr. LATHAM asked and was given permission to extend his remarks in the RECORD and include an article, notwithstanding the fact that it is estimated by

the Public Printer to exceed two pages of the RECORD at a cost of \$184.50.

Mr. JUDD asked and was given permission to extend his remarks in the RECORD and include extraneous material.

Mr. KEATING asked and was given permission to extend his remarks in the RECORD in two instances and include editorials.

Mr. RODINO asked and was given permission to extend his remarks in the RECORD and include an editorial.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HUGH D. SCOTT, JR. (at the request of Mr. SIMPSON of Pennsylvania), for the balance of the week, on account of official business.

To Mrs. ROGERS of Massachusetts (at the request of Mr. MARTIN of Massachusetts), indefinitely, on account of illness in her family.

To Mr. MULTER (at the request of Mr. McGRATH), for an indefinite period, on account of important business.

To Mr. KEOGH (at the request of Mr. McGRATH), for an indefinite period, on account of important business.

ENROLLED BILLS SIGNED

Mrs. NORTON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 5356. An act to provide for the conveyance of land to the Norfolk County Trust Co., in Stoughton, Mass.

BILLS PRESENTED TO THE PRESIDENT

Mrs. NORTON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 1976. An act to authorize the sale of certain allotted inherited land on the Flathead Indian Reservation, Mont.;

H. R. 3616. An act authorizing the issuance of a patent in fee to Lulu Two Spears Iron Bird;

H. R. 3886. An act authorizing the Secretary of the Interior to issue a patent in fee to Jeanette Pearl Burns;

H. R. 5310. An act to confer jurisdiction on the State of California over the lands and residents of the Agua Caliente Indian Reservation in said State, and for other purposes; and

H. R. 5670. An act authorizing transfer of land to the county of Bernalillo, State of New Mexico, for a hospital site.

ADJOURNMENT

Mr. PRIEST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned until tomorrow, Wednesday, September 28, 1949, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

949. A communication from the President of the United States, transmitting a proposed provision pertaining to an administrative expense authorization of the Housing and Home Finance Agency for the fiscal year

1950, together with an amended budget program (H. Doc. No. 339); to the Committee on Appropriations and ordered to be printed.

950. A letter from the Secretary, Department of the Air Force, transmitting the annual report of the Department of the Air Force, pursuant to Public Law 560, Eightieth Congress (providing for furnishing transportation for certain Government and other personnel, and for other purposes, for the period July 1, 1948, through June 30, 1949); to the Committee on Armed Services.

951. A letter from the Assistant Secretary of Agriculture, transmitting a report on the agricultural experiment stations for the fiscal year ended June 30, 1948; to the Committee on Agriculture.

952. A letter from the Secretary of the Interior, transmitting a volume containing the acts of the ninth special session of the Sixteenth Legislature of Puerto Rico, December 20 to 21, 1948; to the Committee on Public Lands.

953. A letter from the Archivist of the United States, transmitting a report on records proposed for disposal and lists or schedules covering records proposed for disposal by certain Government agencies; to the Committee on House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RANKIN: Committee of conference. S. 2115. An act to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes; without amendment (Rept. No. 1340). Ordered to be printed.

Mr. HART: Committee on Merchant Marine and Fisheries. H. R. 3419. A bill to amend the Merchant Ship Sales Act of 1946; with an amendment (Rept. No. 1342). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Public Lands. H. R. 5872. A bill to extend the boundaries of the Toiyabe National Forest in the State of Nevada; with an amendment (Rept. No. 1343). Referred to the Committee of the Whole House on the State of the Union.

Mr. SABATH: Committee on Rules. House Resolution 368. Resolution for consideration of H. R. 5330, a bill to promote world peace and the general welfare, national interest, and foreign policy of the United States by providing aid to the Republic of Korea; without amendment (Rept. No. 1344). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 369. Resolution for consideration of Senate Joint Resolution 53, joint resolution to provide for the reforestation and revegetation of the forest and range lands of the national forests, and for other purposes; without amendment (Rept. No. 1345). Referred to the House Calendar.

Mr. KEE: Committee of conference. H. R. 5895. A bill to promote the foreign policy and provide for the defense and general welfare of the United States by furnishing military assistance to foreign nations; without amendment (Rept. No. 1346). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HART: Committee on Merchant Marine and Fisheries. H. R. 3605. A bill to provide for the documentation of the Cana-

dian-built vessel *North Wind* owned by a citizen of the United States; without amendment (Rept. No. 1341). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLSWORTH:

H. R. 6230. A bill to direct the Secretary of the Interior to convey certain land to school district No. 5, Linn County, Oreg.; to the Committee on Public Lands.

H. R. 6231. A bill to authorize the construction of a dam and dike to prevent the flow of tidal waters into Otter Slough, Douglas County, Oreg.; to the Committee on Public Works.

By Mr. NIXON:

H. R. 6232. A bill to provide for the transfer of the Corona Naval Hospital at Corona, Calif., to the Veterans' Administration and for the operation and maintenance of such hospital as a hospital facility for veterans; to the Committee on Armed Services.

By Mrs. NORTON:

H. R. 6233. A bill to incorporate the Girl Scouts of the United States of America, and for other purposes; to the Committee on the District of Columbia.

By Mr. PATTEN:

H. R. 6234. A bill to establish the Arizona Desert National Park, Ariz., and for other purposes; to the Committee on Public Lands.

By Mr. PETERSON:

H. R. 6235. A bill to provide an accelerated program for surveying and mapping of the United States, its Territories and possessions, and for other purposes; to the Committee on Public Lands.

By Mr. ROONEY:

H. R. 6236. A bill to enable the mothers and widows of deceased members of the armed forces now interred in cemeteries outside the continental limits of the United States or in Alaska to make a pilgrimage to such cemeteries; to the Committee on Armed Services.

By Mr. STAGGERS:

H. R. 6237. A bill to provide for the establishment of a Commission on Human Rights in the government of the District of Columbia; to the Committee on the District of Columbia.

By Mr. WHITTINGTON:

H. R. 6238. A bill to authorize the appointment of guards, watchmen, or other protective personnel of Federal agencies as special policemen, prescribing their powers as such, and for other purposes; to the Committee on Public Works.

By Mr. GRANAHAN:

H. R. 6239. A bill relating to education or training of veterans under title II of the Servicemen's Readjustment Act, as amended; to the Committee on Veterans' Affairs.

By Mr. DENTON:

H. R. 6240. A bill to authorize the appointment of a district judge for the northern and southern districts of Indiana; to the Committee on the Judiciary.

By Mr. HOWELL:

H. R. 6241. A bill to authorize the return of Mexican flags captured during the war with Mexico; to the Committee on Foreign Affairs.

By Mr. LUCAS:

H. R. 6242. A bill to prevent the entry of certain giant snails into the United States; to the Committee on Agriculture.

By Mr. ZABLOCKI:

H. J. Res. 356. Joint resolution to authorize the President to lend to the Food and Agriculture Organization of the United Nations funds for the construction and furnishing of a permanent headquarters, and for related purposes; to the Committee on Foreign Affairs.

By Mr. JUDD:

H. J. Res. 357. Joint resolution to establish a National Children's Day; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H. J. Res. 358. Joint resolution to establish a National Children's Day; to the Committee on the Judiciary.

By Mr. CHURCH:

H. J. Res. 359. Joint resolution to establish a National Children's Day; to the Committee on the Judiciary.

By Mr. BIEMILLER:

H. J. Res. 360. Joint resolution to establish a National Children's Day; to the Committee on the Judiciary.

By Mr. MILES:

H. J. Res. 361. Joint resolution to establish a National Children's Day; to the Committee on the Judiciary.

By Mr. WICKERSHAM:

H. J. Res. 362. Joint resolution to establish a National Children's Day; to the Committee on the Judiciary.

By Mr. WERDEL:

H. Res. 366. Resolution creating a select committee to conduct a study and investigation of the problems of the government of organizations dealing with labor; to the Committee on Rules.

H. Res. 367. Resolution providing for the expenses of conducting the studies and investigations authorized by House Resolution 366, Eighty-first Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS of Delaware:

H. R. 6243. A bill for the relief of Vasilios Kostas; to the Committee on the Judiciary.

By Mr. DOYLE:

H. R. 6244. A bill for the relief of Mrs. Shizuko Yamane; to the Committee on the Judiciary.

By Mr. HAVENNER:

H. R. 6245. A bill for the relief of Anthony Stavrinides; to the Committee on the Judiciary.

By Mr. MACK of Washington:

H. R. 6246. A bill for the relief of Bror Rainer Heikel; to the Committee on the Judiciary.

By Mr. MILES:

H. R. 6247. A bill authorizing transfer of land and improvements thereon by the Secretary of the Interior to New Mexico State Fair; to the Committee on Public Lands.

By Mr. O'TOOLE:

H. R. 6248. A bill for the relief of Manuel Nogueira Alves; to the Committee on the Judiciary.

By Mr. JOSEPH L. PFEIFER:

H. R. 6249. A bill for the relief of Fernando Do Carmo Vincente Ferreira; to the Committee on the Judiciary.

By Mr. SASSCER:

H. R. 6250. A bill for the relief of Johanna A. Stoots; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1508. By Mr. SMITH of Wisconsin: Resolution of the board of supervisors, Kenosha County, Wis., petitioning the Congress to amend the present social-security laws and regulations in order that Federal reimbursement for persons residing in county homes for the aged may be immediately forthcoming; to the Committee on Ways and Means.

1509. By the SPEAKER: Petition of Norberto Somera, Vigan, Province of Ilocos Sur,

Republic of the Philippines, relative to his claim arising out of his maltreatment while a prisoner of war of the Imperial Japanese Government; to the Committee on Interstate and Foreign Commerce.

SENATE

WEDNESDAY, SEPTEMBER 28, 1949

(Legislative day of Saturday, September 3, 1949)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, all the ways of our need lead to Thee; our deepest cravings but drive us to Thy everlasting arms. Thou alone art our refuge and our strength.

Help us to command this new day, meeting its joys with gratitude, its difficulties with fortitude, its doubts with faith. Direct our steps. Guard us from error. Deliver us from all evil. Help us to sit where others sit, seeing life's tangled skein through the eyes of those less fortunate than ourselves. So make us faithful ministers of this stricken generation. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. McKELLAR, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, September 27, 1949, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed a bill (H. R. 4495) to provide additional benefits for certain postmasters, officers, and employees in the postal field service with respect to annual and sick leave, longevity pay, and promotion, and for other purposes, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. McKELLAR. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Alken	Ferguson	Johnson, Tex.
Anderson	Flanders	Johnston, S. C.
Bridges	Frear	Kem
Butler	Fulbright	Kerr
Byrd	George	Kilgore
Cain	Gillette	Knowland
Capehart	Green	Langer
Chapman	Gurney	Leahy
Chavez	Hayden	Long
Connally	Hendrickson	Lucas
Cordon	Hickenlooper	McCarthy
Donnell	Hill	McClellan
Douglas	Holland	McFarland
Downey	Humphrey	McKellar
Eastland	Ives	McMahon
Eaton	Jenner	Magnuson
Ellender	Johnson, Colo.	Malone