Hugh F. Daly, Jr., MSC, [redacted].
Stephen P. Dittmann, MSC, [redacted].
William L. Freeman, MSC, [redacted].
Kenneth D. Garis, MSC, [redacted].
Robert T. Geyer, MSC, [redacted].
Henry V. Griffith, MSC, [redacted].
Donald P. Guenther, MSC, [redacted].
Charles R. Hamm, MSC, [redacted].
Dan H. Horton, MSC, [redacted].
Joseph I. Hungate, Jr., MSC, [redacted].
Joseph P. Jacobs, MSC, [redacted].
Edward F. Krise, MSC, [redacted].
Robert J. MacLennan, MSC, [redacted].
Joseph P. Madrano, MSC, [redacted].
John D. Marshall, Jr., MSC, [redacted].
Gust H. Mastricola, MSC, [redacted].
Marjory R. McBride, ANC, [redacted].
Robert W. McKinney, MSC, [redacted].
Raymond K. Mortenson, MSC, [redacted].
Roy L. Mundy, MSC, [redacted].
Wallace P. Murdoch, MSC, [redacted].
George T. Murray, Jr., MSC, [redacted].
Herman C. Needles, MSC, [redacted].
John F. Purcell, MSC, [redacted].
Jack C. Smith, MSC, [redacted].
William G. Storms, MSC, [redacted].
Tommy Thomas, MSC.
John P. Valentine, MSC, [redacted].
John R. Wagner, MSC, [redacted].
Paul B. Welch, Jr., MSC, [redacted].
Robert O. Whitmore, MSC, [redacted].

The following-named persons for appointment in the Medical Corps, Regular Army of the United States, in the grade indicated:

To be first lieutenants

Eric I. Anderson, [redacted].
James L. Breen, [redacted].
Stephen W. Czarnecki, [redacted].
Maurice G. Patton, [redacted].
James A. Stokes, [redacted].

The following-named persons for appointment as chaplains of the Regular Army, in the grade indicated:

To be first lieutenants

Earl S. Bloxham, [redacted].
James V. Coleman, [redacted].
Woodrow L. Elias, [redacted].
Thomas H. McCarthy, [redacted].
Ben S. Price, [redacted].
Ray M. Rowland, [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grade indicated:

To be second lieutenants

Robert E. Ainslie
Thurman E. Anderson, [redacted]
William L. Baddaker
Robert E. Bellows
Charles E. Brett
Charles W. Brown, [redacted]
Elmer A. Brown
Horatio S. Buck, Jr., [redacted]
James P. Coleman
Charles F. DeWaele, [redacted]
Eugene C. Dickey, Jr.
Howard H. Earle, [redacted]
Lee N. Elmer, [redacted]
William H. Fargason, Jr.
William C. Francis
Albert Q. Hales, Jr., [redacted]
Charles N. Hauser, [redacted]
John M. Hays
William E. Henderson [redacted]
Adolph A. Hight
Harold W. Hill, Jr.
Harvey D. Jordan, [redacted]
Jack E. McCroskey
Harry W. Miller II, [redacted]
John J. Miller, [redacted]
William C. Moses
Edmond R. Nolin
Richard L. Pardun, [redacted]
John T. Patton
John H. Pearson, [redacted]
John J. Plunkett, [redacted]
Charles R. Rawlings
Frank J. Riley
Roberto Rivera
James B. Robinson, Jr.
Robert F. Rogers
Herman E. Schubarth [redacted]
Eckols L. Shedden
Bill J. Smith
Perry A. Smith
James I. Sprague, Jr.
Lawrence W. Stebbins
John D. Talley, Jr.
Elmer B. Tripp, [redacted]
Henry G. Tutek
Larkin B. Vance, [redacted]
Ralph E. Wallingford
Robert L. Wilcox, Jr., [redacted]
Robert L. Young
William K. Zimmerman

The following-named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States, in the grade indicated:

To be second lieutenants

Lloyd K. Austin
Kenneth B. Jones
James F. Walker

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade indicated:

To be second lieutenants

Robert E. Barnum, [redacted]
George B. Bengston, Jr. [redacted]
John P. Brock, [redacted]
William M. Bryan
Richard A. Burr
David L. Butler
Craig W. Chapleau, [redacted]
Alfred B. Colson, Jr.
Robert C. Cook, Jr.
Charles L. Coughlin
Doyle T. Craighead, [redacted]
Bruce E. Dahl
Jules L. Davidson, Jr.
Hal A. Davis
Norris F. Dendy, Jr.
William H. Edwards
Stephen N. Elias
Khalil C. Farah, Jr.
Richard L. Ford
Lawrence J. Franck
John L. Garcia
Ralph L. Gardner
Kenton C. Gassaway, [redacted]
Robert F. Geringer
William R. Gleason, Jr.
Edward M. Griffin
Melton A. Hatch, Jr.
Joseph Hrecz
Paul B. Jones
Robert P. Jones
Frank J. Kane
Felton A. Kemp, [redacted]
Everett F. Kofoed, [redacted]
Charles H. Kratsch
Humberto C. Lopez
Jerry H. Loyd
Francis X. Marotta
Joseph O. Massey, Jr.
Moran A. McKenzie
James D. McManus, [redacted]
Carl M. Mott, Jr.
John D. Murdaugh
Richard D. Neal
Lamoin A. Olsen
Dan P. Panageas
Paul T. Pass
Samuel W. Penrod
Donald A. Pies
Dan H. Ralls
Donald P. Rathnau
John S. Schlom
Harold M. Serven, Jr.
Gene T. Sherron
Paul E. Sikorski
Robert M. Stone, [redacted]
Clifford H. Wall
Joe C. Wallace
Norman F. Weatherly
Richard B. Werner
Dwight L. Wilson
Oren Wolfe
Clyde A. Young, Jr.

REGULAR AIR FORCE

PROMOTION

To be captain, medical

Wilbert Harding McIlvain, [redacted].

IN THE NAVY

Vice Adm. Charles W. Fox, Supply Corps, United States Navy, when retired, to be placed on the retired list with the rank of vice admiral.

Rear Adm. John E. Gingrich, United States Navy, to have the grade, rank, pay, and allowances of a vice admiral while serving as Chief of Naval Material.

The following-named officers of the Naval Reserve for permanent appointment in the grade indicated in the Naval Reserve:

To be rear admiral, line

Ellery Wheeler Stone
Giles Chester Stedman
Luis de Florez
Lewis Lichtenstein Strauss
Edmond Joseph Moran

To be rear admiral, Supply Corps

Wilfred James McNeil

The following-named officers of the Naval Reserve for temporary promotion to the grade in the line and staff corps indicated, subject to the prescribed qualifications:

To be rear admiral, line

William R. Read
Richard R. McNulty
Karl L. Lange
James Morton Ross
Edward C. Holden, Jr.
William W. Drake
Charles L. Labarge
Harry P. Stolz

To be rear admiral, Medical Corps, line

Richard A. Kern
Alphonse McMahon

To be rear admiral, Civil Engineer Corps, line

Robert C. Johnson

The following-named ensigns of the Navy for permanent promotion to the grade in the line and staff corps indicated:

To be lieutenants (junior grade), line

Paul Allison
Gerald H. Barkalow
James H. Bergstrom
William B. Bickel
James E. Bowen
Thomas L. Bowers
William J. Burke
Charles L. Bush
Terry F. Carraway
Hamilton A. Chandler
Frank S. Coleman
Carleton R. Cooper
Eugene R. Coulson
Thomas R. Cuthbert, Jr.
James L. Ellis
Ralph W. Foster, Jr.
John C. Glore
Richard W. Green
Roy E. Grozier
Russell L. Harber
David L. Hardin
Carl O. Hausler
Carl C. Hilscher
Darl W. Jewell
Alfred C. Leis
Robert T. Lemon
Sidney R. Mason
Paul G. Merchant
Harold E. McCumber
Edwin D. McKellar, Jr.
William G. McLaine
Robert L. Nelson
Theodore E. Newark
Emile E. Nordan
Stephen R. Odrobina
Forrest C. Ozburn, Jr.
Carroll S. Page, Jr.
Jerry C. Patterson
Lyle R. Peters
Eugene H. Prange
Thomas B. Ray
Robert R. Reyner
Clay S. Sayers
John J. Scheank, Jr.
Leroy E. Souders
Gregory W. Stanley
Thomas P. Stewart
Charles L. Stratmann
Alexander S. Stromski
Keith K. Stroupe
Herbert A. Sudhoff
Lonnie D. Tennison
Alan D. Tibbetts
William A. Wehner
William H. Wells
Richard A. Wigent
Donald B. Wikeen

To be lieutenant (junior grade) Supply Corps

Robert B. Graham
John A. Wasson

WITHDRAWAL

Executive nomination withdrawn from the Senate July 30 (legislative day of July 27), 1953:

DIPLOMATIC AND FOREIGN SERVICE

Willard L. Beaulac, of Rhode Island, Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 30, 1953

The House met at 11 o'clock a. m.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication, which was read:

I hereby designate the Honorable CHARLES A. HALLECK to act as Speaker pro tempore today.

JOSEPH W. MARTIN, Jr.

PRAYER

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou who wert the God of our fathers and hast made us a nation great in material resources, may our prosperity and progress never cause us to lose sight of the need of building our Republic upon moral and spiritual foundations.

We pray that we may cultivate a capacity for utilizing and rightly interpreting the history and experiences of other nations and preceding generations which teach us that where there is no vision the people perish.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Help us in our times of adversity and untoward circumstances to feel the challenge of a faith that is adventurous and courageous and God fearing.

May all the Members of the Congress be men and women of light and of leading, bringing hope to the vast multitudes who are disappointed and discouraged and are tempted to surrender to disillusionment and defeatism, to fear and frustration.

In the name of the conquering Christ we offer our prayer. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Ast, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 5256. An act to amend the Internal Revenue Code with respect to the retirement of judges of the Tax Court of the United States.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 5741. An act to amend section 39 of the Trading With the Enemy Act of October 6, 1917, as amended.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 46. Concurrent resolution favoring international agreements for limitation of armaments.

The message also 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. 6391. An act making appropriations for mutual security for the fiscal year ending June 30, 1954, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BRIDGES, Mr. FERGUSON, Mr. CORDON, Mr. SALTONSTALL, Mr. DIRKSEN, Mr. HAYDEN, Mr. RUSSELL, Mr. MCCARRAN, and Mr. CHAVEZ to be the conferees on the part of the Senate.

MUTUAL SECURITY APPROPRIATIONS, 1954

Mr. TABER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6391) making appropriations for mutual security for the fiscal year ending June 30, 1954, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on the part of the House: Messrs. TABER, WIGGLESWORTH, H. CARL ANDERSEN, FENTON, COTTON, DAVIS of Wisconsin, FORD, GARY, ROONEY, PASSMAN, and CANNON.

There was no objection.

ORDER OF BUSINESS FOR TODAY

Mr. RAYBURN. Mr. Speaker, many Members would like to know in just what order the legislative program will be called up today.

The SPEAKER pro tempore. It is the purpose, as I understand, to call the Consent Calendar first, and then the call of the Private Calendar. The Eklutna project in Alaska is next to be called, and I might say to the gentleman, I express the hope that some negotiations might be had looking to the consideration of that measure by unanimous consent. Then we propose to call the bill to amend the Natural Gas Act, the New York-New Jersey Company Act, and follow that, so far as we can see now, with the bill providing for additional Federal judges.

Mr. RAYBURN. I thank the gentleman.

Mr. ELLSWORTH. Did I hear the majority leader refer to H. R. 4646?

The SPEAKER pro tempore. No.

SPECIAL ORDER

Mr. JAVITS. Mr. Speaker, if it is permissible, I ask unanimous consent that on the special order I have for today I may insert the title of my address at the appropriate place and otherwise to revise and extend my remarks.

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

There was no objection.

SPECIAL ORDER GRANTED

Mrs. ROGERS of Massachusetts asked and was given permission to address the House today for 5 minutes, following any special orders heretofore entered.

Mr. MILLER of California asked and was given permission to address the House for 15 minutes on tomorrow, following any special orders heretofore entered.

THE LATE JAMES JOSEPH CONNOLLY

Mr. WALTER. Mr. Speaker, it is with heavy heart that I announce the death of our beloved and honored former colleague, the Honorable James Joseph Connolly, of Pennsylvania.

It had been my privilege and pleasure to know Mr. Connolly over a number of years and I count it an honor to have served with him in the Congress of the United States. Throughout our association I came to know Mr. Connolly well and had learned to respect him as a man of ability, integrity, and strong character.

Mr. Connolly was born in Philadelphia, Pa., September 24, 1881. He was engaged in the real estate business; was a member of the Republican State committee and served as financial secretary of the Republican City committee of Philadelphia. Mr. Connolly was elected to the 67th Congress and for 14 years served his district, State, and the Nation in a most statesmanlike manner. He was ever alert to the needs of his colleagues and the people he served.

Mr. Connolly was a fine public servant and a devoted father. I am sure I voice the sentiments of all who served with him when I express to his family our sincere sympathies.

CONSENT CALENDAR

The SPEAKER pro tempore. Pursuant to the order of the House of yesterday, the Clerk will call the first bill on the Consent Calendar.

NATIONAL SCIENCE FOUNDATION

The Clerk called the bill (H. R. 4689) to amend the National Science Foundation Act of 1950.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

COMPENSATION OF VETERANS

The Clerk called the bill (H. R. 631) to provide that compensation of veterans for service-connected disability, rated 20 percent or less disabling, shall be paid quarterly rather than monthly.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PENSION BENEFITS

The Clerk called the bill (H. R. 5380) to extend pension benefits under the laws reenacted by Public Law 269, 74th Congress, August 13, 1935, as now or hereafter amended, to certain persons who served with the United States military or naval forces engaged in hostilities in the Moro Province, including Mindanao, or in the islands of Samar and Leyte, after July 4, 1902, and prior to January 1, 1914, and to their unremarried widows, child, or children.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

INTERNATIONAL PEACE GARDEN, NORTH DAKOTA

The Clerk called the bill (H. R. 3986) to authorize the appropriation of additional funds to complete the International Peace Garden, North Dakota.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. KRUEGER. I reserve the right to object to the motion of the gentleman from Wisconsin [Mr. BYRNES] to pass over H. R. 3986, increasing the appropriation of the International Peace Garden from the original $100,000 set up in 1949 to $200,000. I believe that after an explanation of the measure, the gentleman will withdraw his objections.

This Nation represents itself as devoted to the cause of international peace and good will. This Congress has been asked to approve vast sums as evidence of this purpose. This we have done.

House and Senate conferees only yesterday approved an appropriation of $34.3 billion for arms for our national defense; a few days ago this House approved $4.33 billion for mutual security—an effort to buy good will abroad. We hand out billions for war preparations; we give away other billions trying to buy the respect that we should earn.

The International Peace Garden was established in 1932, a voluntary expression of the good will existing between Canada and the United States—a garden devoted to the cause of peace and marking the 150 years of harmonious relations enjoyed between the two nations, near the center of the thousands of miles of unfortified boundary. It is a living memorial to the principles of peace.

The National Park Service has assisted in the preparation of the plans for a simple garden development, plans approved by the Department of the Interior. The land for the garden was contributed by the States of North Dakota and the Province of Manitoba. The International Peace Garden, Inc., has given funds; private individuals and school children have aided. Total contributions since 1947, other than funds from this Government, total $201,000. The Congress in 1949 appropriated $100,000, and this has been spent in careful, conservative fashion through contract management with the State of North Dakota. The funds enabled the work to progress in an orderly manner, and the balance is being used to maintain construction this year in proportion to the work being done by the Canadians.

The Bureau of the Budget says that the obligation of this Government has been fulfilled. It may be technically fulfilled under the original authorization, but if peace is worth buying with billions overseas, it should be worth a contribution of $100,000 in our own country. If this request were for millions of dollars, I could understand the objection.

I know of no Government project where so little has accomplished so much in a material way, even in the face of rising costs of material and labor during the past 4 years. It would seem that our peaceful intent as a nation can be expressed in no better fashion than in green and growing things.

Individuals, the provincial and dominion governments, have given twice as much toward this cause as Congress has previously allowed. It would seem that the greatest nation in the world could carry an equal share without undue hardship.

I am grateful for the support of my senior colleague from North Dakota [Mr. BURDICK], with whom I share an interest in the promotion of peace. I sincerely hope this brief discussion will overcome the objections to this bill.

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

There was no objection.

PROVIDING A DECREE OF COMPETENCY FOR UNITED STATES INDIANS IN CERTAIN CASES

The Clerk called the bill (H. R. 4985) to provide a decree of competency for United States Indians in certain cases.

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

IMPOUNDING OF MAIL IN CERTAIN CASES

The Clerk called the bill (H. R. 569) to authorize the Postmaster General to impound mail in certain cases.

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

Mr. WALTER. Reserving the right to object, I believe under the provisions of this bill, the Administrative Procedure Act is bypassed by depriving people of the opportunity to have a decision of an administrative agency reviewed by the courts. That being the fact, I object to the consideration of the bill.

The SPEAKER pro tempore. Three objections are required.

Messrs. HOWELL, CELLER, MILLER of California, HOLTZMAN, HAYS of Ohio, PATMAN, WALTER, and ROGERS of Florida objected.

OPERATION OF INDIAN HOSPITALS

The Clerk called the bill (H. R. 303) to transfer the administration of health services for Indians and the operation of Indian hospitals to the Public Health Service.

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

EXEMPTION FOR CHURCH MISSIONS UNDER PUBLIC LAW 550

The Clerk called the bill (S. 631) to permit veterans to suspend or delay their programs of education or training under the Veterans' Readjustment Assistance Act of 1952 in order to perform services as missionaries.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. STRINGFELLOW. Mr. Speaker, reserving the right to object, I hope that with the proper explanation the gentleman will withdraw his request. Under the provisions of this bill, a veteran must show his intent to go to school and then he can serve as a missionary for a bona fide organization, if he does not receive compensation for that missionary work. The church which will be primarily affected by this legislation is the Mormon Church. It should be pointed out that these young men could have been on missions and could have been exempt from the draft, but they have seen fit to serve their country first. Now, they are looking forward to serving their church. The average mission for missionaries is about 2½ years. With the present restriction in the act, it is impossible for them to serve as missionaries prior to taking up their education or to interrupt their education to serve as missionaries. I realize there is some concern about setting a dangerous precedent, but I believe, Mr. Speaker, we will be setting a more dangerous precedent if we fail to pass this legislation to enable these boys to participate in missionary work. Missionary activity is greatly needed.

Mr. FORD. I might say to the gentleman from Utah that I asked that this bill be passed over for two reasons. One, the Veterans' Administration indicates that it might set a precedent. Second, that I wanted to ask the gentleman a question. The period that these men are serving as missionaries, is that considered an integral part of their training program for the ministry?

Mr. STRINGFELLOW. In the church which is primarily affected, the Mormon Church, we have no paid or trained ministry in the usual sense of the term. In other words, they serve as missionaries for the church and then go to school and train for some other profession, and it is really just part of their education.

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

Mr. STRINGFELLOW. I yield.

Mr. EVINS. I dislike very much to disagree with my colleague, and object to his request, but I must do so because this matter was considered at some length in the Committee on Veterans' Affairs and several members felt this action would be setting an unwise precedent. It was felt that if we make an exception for the Mormon Church, it will be necessary for us to make an exception for members of the Baptist Church, the Methodist Church, the other Protestant Churches, and the Catholic Church. The cutoff date for Korean veterans' educational training under the GI bill of rights bill is not until 1956. So there should be no immediate rush to amend this law.

Mr. STRINGFELLOW. If you read the provisions of the bill, it is not setting up something especially for the Mormon Church. It is not discriminatory. It opens the door for any individual who would like to serve as a missionary for a bona fide religious organization.

Mr. EVINS. Under the terms of the bill the Administrator of Veterans' Affairs is given the authority to determine what is a "regular" church. There is some question as to the constitutionality of this bill. In addition to this fact that it is proposed that we make an exception here for one particular religious body, I think we would be setting a bad precedent. While I hold no prejudice

against the members of the Mormon Church, I feel that if we do this for members of this church, we will of necessity be required to further amend the GI bill for all other religious organizations.

Mr. Speaker, I feel constrained to object to the present consideration of this bill and do object.

Mr. FORD. Mr. Speaker, we are discussing this legislation under the reservation of objection by the gentleman from Utah [Mr. STRINGFELLOW] to my request that the bill be passed over without prejudice.

Let me say I have been convinced by the explanation given by the gentleman from Utah [Mr. STRINGFELLOW] that this is desirable legislation. I therefore withdraw my reservation of objection.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. FORD. I yield.

Mrs. ROGERS of Massachusetts. I would say to the gentleman that there were very few on the committee who objected.

Mr. EVINS. I would say that the vote on this bill was strictly along party lines, for the first time. Our committee is nonpartisan, but all the Republicans voted for it and the Democrats voted against it.

Mrs. ROGERS of Massachusetts. I do not remember that all the Democrats did vote against it. There were three Democrats who voted for it, I believe.

Mr. EVINS. I was there at the time, and it was not unanimous.

Mrs. ROGERS of Massachusetts. It was not unanimous, but I think it was not a unanimous Democratic vote against it. That is my recollection of it.

Mr. EVINS. I regret very much that I feel constrained to object.

I ask unanimous consent, Mr. Speaker, that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. STRINGFELLOW. Mr. Speaker, I object.

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

Mr. EVINS. Mr. Speaker, I object.

LENDING OPERATIONS BY THE KLAMATH INDIANS

The Clerk called the bill (H. R. 5715) to authorize lending operations by the Klamath Indians, and for other purposes.

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

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. D'EWART. Mr. Speaker, reserving the right to object, here is a bill that will save the Treasury of the United States some money. These Indians have in their own account in the Treasury an item of a little over $1 million that they themselves ask an opportunity to place in the revolving loan fund, to be under their own management. That would save interest on the funds in the Treasury, and in addition we would save the personnel employed by the Indian Bureau in the management of the revolving loan fund as presently conducted.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. D'EWART. I yield.

Mr. BYRNES of Kisconsin. The gentleman will agree that the Department has stated an objection to this bill and feels that in view of the general legislation removing all responsibility for Indians that this should not be enacted. Therefore, I doubt if it could be considered, Mr. Speaker, as a bill that has unanimous approval.

Mr. D'EWART. I would say that we went into that matter at the time of the hearing. It is our intention to proceed as the Department wishes. However, it was clearly brought out during the course of the hearings that the enactment of this loan bill would in no way interfere with legislation to come later to end all wardship.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin, that the bill be passed over without prejudice

There was no objection.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO ISSUE PATENTS FOR CERTAIN PUBLIC LANDS IN MONROE COUNTY, MICH.

The Clerk called the bill (H. R. 5662) to amend the act of June 30, 1948, so as to extend for 5 years the authority of the Secretary of the Interior to issue patents for certain public lands in Monroe County, Mich., held under color of title.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act authorizing the Secretary of the Interior to issue patents for lands held under color of title," approved June 30, 1948 (Public Law 856, 80th Cong.), is amended by striking out "within 5 years after passage of this act" and inserting in lieu thereof "within 10 years after passage of this act."

SEC. 2. The amendment made by the first section of this act to such act of June 30, 1948, shall take effect as of June 29, 1953.

With the following committee amendment:

Page 1, line 8, strike out the word "ten" and insert "six."

The committee amendment was agreed to.

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

The title was amended to read: "A bill to amend the act of June 30, 1948, so as to extend for 1 year the authority of the Secretary of the Interior to issue patents for certain public lands in Monroe County, Mich., held under color of title."

A motion to reconsider was laid on the table.

OUTPATIENT DENTAL CARE FOR CERTAIN VETERANS

The Clerk called the bill (H. R. 6412) to preserve the eligibility of certain veterans to dental outpatient care and dental appliances.

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

Mr. FORD. Mr. Speaker, reserving the right to object, the gentleman from California [Mr. PHILLIPS] and I have been in consultation with the sponsor of this bill in an effort to find out what the facts are as to what the bill actually does. At the present time no final determination has been made. There has been some confusing material submitted by the Veterans' Administration. It may be cleared up later.

I therefore request that the bill be put at the foot of the calendar so that we can find out what is the answer.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. O'HARA of Illinois. Mr. Speaker, reserving the right to object, all this bill does is to continue dental treatment for a handful of Spanish War veterans; that is all it has in it, in a nutshell. There are no more than a few veterans, most of them living on the little pensions they get. This may mean almost life and death to them; that is all it means.

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

Mr. O'HARA of Illinois. I yield.

Mr. FORD. The facts are that at the time the restriction was imposed in the independent offices appropriation bill it was clearly pointed out in the committee report that the restriction was not applicable to the Spanish-American War veterans. For some reason best known to themselves the Veterans' Administration has seen fit to disregard that committee report.

In the first instance, this bill is unnecessary if the Veterans' Administration would be realistic.

Second, the bill before us now does go further than what the gentleman from Illinois has said in that it does take into consideration those veterans under Public Law 16, and that is the point that the gentleman from California and I are interested in; and so far the Veterans' Administration has not given us any factual answer as to the number to be covered.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. O'HARA of Illinois. I yield.

Mrs. ROGERS of Massachusetts. I would say to the gentleman that these Public Law 16 cases were to have been taken care of under the amendment written into the independent offices bill in the House. The gentleman had a very much better amendment and it did curtail certain dental benefits, and allowed 2 years. The Senator who introduced the amendment in the Senate I am quite sure did not realize what its effect would be because it cuts out certain cases and allows them only a year to establish their right to dental treatment, and the Veterans' Administration always wants proof.

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

Mr. O'HARA of Illinois. I yield.

Mr. FRELINGHUYSEN. In regard to the number of veterans in training under Public Law 16 who would qualify for dental treatment under this provision,

so far as I can ascertain from the Veterans' Administration, there might be 3,000 veterans who would qualify in the fiscal year 1954. The total cost for treating these cases is estimated at $120,000; or, roughly, one-third of the cost of what would be incurred to provide dental care for the Spanish War veterans. This is a relatively small amount and it is only provided for the reasonable and necessary dental care required to enable these veterans to continue their training. It seems a very reasonable provision since only the dental care that is considered reasonably necessary should be given. That covers the question of cost and the number of veterans who would qualify under that provision.

Mr. FORD. Has the gentleman from New Jersey contacted the gentleman from California [Mr. PHILLIPS] and obtained his consent for the passage of this bill?

Mr. FRELINGHUYSEN. I may say to the gentleman that I got in touch with the gentleman from California on the telephone just now, and I hope he will be here very shortly. I hope we can put this bill at the foot of the calendar and take it up again when he is here.

Mr. FORD. Mr. Speaker, I renew my request that this bill be put at the foot of the calendar.

Mr. CUNNINGHAM. Mr. Speaker, reserving the right to object, I do this not for the purpose of objecting to this bill at all but merely to make a statement to the membership at this time regarding the duties of the objectors' committee on the Consent Calendar.

I noticed this morning and I noticed the other day when the Consent Calendar was called, and a number of times this year, that the membership apparently is not aware of the duty of the objectors' committee on the Consent Calendar. They have two primary purposes: First, to protect the membership; second, to expedite the passage of legislation that otherwise would take a considerable part of the time of the House.

In order to carry out this function it has been necessary from time to time for the objectors on the Consent Calendar to formulate rules. Several years ago these rules were announced and made a part of the CONGRESSIONAL RECORD. They were not restated this year; probably they should have been, but I wish to emphasize to the membership that the Consent Calendar objectors are not here for the purpose of obstructing legislation that otherwise is clear and should be passed by unanimous consent. However, in order to do their job, they have to have certain rules. One of these is if a bill calls for the appropriation or an expenditure of more than a million dollars the objectors feel it should not be passed by unanimous consent but should be debated and voted upon. Again, the members of this committee have to use discretion when a bill comes up. The members of this committee do not object to bills for personal reasons nor ask to have them passed over for personal reasons because they do not like a bill, but if in their opinion, a bill is of such nature that the membership of this House should be fully informed, they will ask unanimous consent that it be passed over without objection or at least have sufficient discussion on the floor so that the Members will be apprised of what the purpose of the bill is. There are many reasons why bills should be passed over without prejudice to give the Members ample time to become familiar with them; also to make corrections in some.

I want to emphasize, in conclusion, that we are here for the protection of the membership. Many Members were here at a time when a bill was passed through in this manner by unanimous consent that provided a pension for Members of Congress. It created such a furor throughout the United States that the House was forced to repeal its own action. We do not want anything of that kind to happen again.

I want you to know that these objectors are here for the protection of the Members, to expedite legislation, to see that the Members are fully informed and also to see that no bill is passed by unanimous consent that should go over and be debated and the membership be fully informed about before it is passed.

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

Mr. CUNNINGHAM. I yield to the gentleman from Arkansas.

Mr. TRIMBLE. I concur completely in the statement made by the gentleman from Iowa. We on this side of the aisle concur fully in that statement.

Mr. O'HARA of Illinois. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. O'HARA of Illinois. Mr. Speaker, do I understand that 201 is at the bottom of the calendar to be called today?

The SPEAKER pro tempore. After we finish the other bills on the calendar.

Mr. O'HARA of Illinois. It will be called today?

The SPEAKER pro tempore. That is right. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENT TO COMMUNICATIONS ACT OF 1934, AS AMENDED

The Clerk called the bill (H. R. 6436) to amend the Communications Act of 1934, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 2 (b) of the Communications Act of 1934, as amended, is amended to read as follows:

"(b) Subject to the provisions of section 301, nothing in this Act shall be construed to apply or to give the Commission jurisdiction with respect to (1) charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service by wire or radio of any carrier, or (2) any carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with such carrier, or (3) any carrier engaged in interstate or foreign communication solely through connection by radio, or by wire and radio, with facilities, located in an adjoining State or in Canada or Mexico (where they adjoin the State in which the carrier is doing business), or another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with such carrier, or (4) any carrier to which clause (2) or clause (3) would be applicable except for furnishing interstate mobile radio communication service or radio communication service to mobile stations on land vehicles in Canada or Mexico; except that sections 201 through 205 of this act, both inclusive, shall, except as otherwise provided therein, apply to carriers described in clauses (2), (3), and (4)."

SEC. 2. Section 3 (u) of the Communications Act of 1934, as amended, is amended to read as follows:

"(u) 'Connecting carrier' means a carrier described in clauses (2), (3), or (4) of section 2 (b)."

SEC. 3. Section 221 (b) of the Communications Act of 1934, as amended, is amended to read as follows:

"(b) Subject to the provisions of section 301, nothing in this act shall be construed to apply, or to give the Commission jurisdiction, with respect to charges, classifications, practices, services, facilities, or regulations for or in connection with wire, mobile, or point-to-point radio telephone exchange service, or any combination thereof, even though a portion of such exchange service constitutes interstate or foreign communication, in any case where such matters are subject to regulation by a State commission or by local governmental authority."

Mr. ROGERS of Florida. Mr. Speaker, I offer an amendment which takes care of a typographical error only.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Florida. Page 2, line 8, strike out the word "or" the first time it appears in said line, and insert in lieu thereof the word "of."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. ROGERS].

The amendment was agreed to.

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

AMEND SECTION 456 OF TITLE 28 OF THE UNITED STATES CODE

The Clerk called the bill (H. R. 5802) to amend section 456 of title 28 of the United States Code with respect to the official stations of justices and judges.

The Clerk read the title of the bill.

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

Mr. FORD. Mr. Speaker, reserving the right to object, the gentleman from Idaho [Mr. BUDGE] earlier this year raised some serious objection to some of the questions which I think are involved here. Will one of the Members of the Committee inform the Members of the House whether or not this bill amplifies the problems that he objected to or whether it attempts to straighten them out.

Mr. WALTER. Mr. Speaker, if the gentleman is directing his question to me, I believe that the questions raised by our colleague have been met in this bill.

Mr. FORD. The gentleman from Idaho [Mr. BUDGE] is here. I wonder if he would care to comment on whether or not this bill does meet the objections that he has raised previously.

Mr. WALTER. While the gentleman is looking at the bill I might state that

the bill was introduced by the distinguished chairman of our committee, the gentleman from Illinois [Mr. REED]. It was introduced because of the objections made by the gentleman from Idaho, and it is believed that the objections he raised are adequately taken care of by the language in this bill.

Mr. FORD. I yield to the gentleman from Idaho.

Mr. BUDGE. Mr. Speaker, in this connection I should like to comment that this language as to the maintenance expenses of the Federal Judiciary was included in the appropriation bill which passed the House. I was not entirely satisfied with the language, but I appreciate the courtesy of the members of the Committee on the Judiciary in attempting to correct what seems to be a very unfortunate situation. I would have no objection to it.

Mr. BROOKS of Louisiana. Mr. Speaker, further reserving the right to object, I wonder if the gentleman from Pennsylvania [Mr. GRAHAM] would explain this bill to us.

Mr. GRAHAM. The bill has a twofold purpose. Even in the old days it was found that $10 a day allowance was not sufficient for a judge who had to travel from city to city and had to remain for a considerable time away from his home. After consultation and deliberation with the American Bar Association and others, it was found that we should raise the limit to $25, but they could not exceed that in a large city for hotel expenses and the like. The second point is that a judge cannot rove all over the United States. He must have a fixed place and hold court where he lives, doing the greater part of his work there. It has been found that some of these roving judges are away from home a considerable length of time and pile up big expense accounts.

Mr. FORD. I withdraw my reservation of objection, Mr. Speaker.

Mr. WALTER. Mr. Speaker, further reserving the right to object, and I will not object, I take this time to call to the attention of the House the perfectly magnificent record made by the Committee on the Judiciary under the leadership of our distinguished chairman, the gentleman from Illinois [Mr. REED]. The gentleman from Illinois has adopted a very efficient method of dealing with the large number of bills that have been referred to that overworked committee. I am sure that, when the House examines the record, the Members will appreciate the fine work he has done.

Mr. GRAHAM. To all of which I say "Amen."

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 456 of title 28 of the United States Code is amended to read as follows:

"§ 456. Traveling expenses of justices and judges

"Each justice or judge of the United States and each retired justice or judge recalled or designated and assigned to active duty shall, upon his certificate, be paid by the Director of the Administrative Office of the United States Courts all necessary traveling expenses, and also his reasonable maintenance expenses actually incurred, not exceeding $25 per day, while attending court or transacting official business at a place other than his official station.

"The official station of the Chief Justice of the United States, the Justices of the Supreme Court and the judges of the Court of Claims, the Court of Customs and Patent Appeals, the United States Court of Appeals for the District of Columbia, and the United States District Court for the District of Columbia, shall be the District of Columbia.

"The official station of the judges of the Customs Court shall be New York City.

"The official station of each circuit and district judge, including each district judge in the Territories and possessions, shall be that place where a district court is regularly held and at or near which the judge performs a substantial portion of his judicial work, which is nearest the place where he maintains an actual abode in which he customarily lives.

"Each circuit judge and each district judge whose official station is not fixed expressly in the second paragraph of this section shall upon his appointment and from time to time thereafter as his official station may change, notify the Director of the Administrative Office of the United States Courts in writing of his actual abode and his official station."

The SPEAKER pro tempore. Does the gentleman from Pennsylvania know whether there is a similar Senate bill?

Mr. CUNNINGHAM. I can answer that question. I have a memorandum about it. The bill S. 32 is classified as a similar bill. However, it has $15 as the limit instead of $25 as in the House bill. Also, the House bill defines the official station and this is not done in the Senate bill. Because of the differences, I did not ask unanimous consent to substitute the Senate bill for the House bill.

Mr. GRAHAM. There is a marked difference in those two respects.

Mr. CUNNINGHAM. Does the gentleman from Pennsylvania desire to have the Senate bill substituted for the House bill?

Mr. GRAHAM. No.

The SPEAKER pro tempore. The Chair might state it would be in order to strike out all after the enacting clause of the Senate bill and substitute the House bill.

Mr. GRAHAM. We are perfectly willing to have that done.

Mr. WALTER. Mr. Speaker, I ask unanimous consent that the bill (S. 32) to amend title 28, United States Code, so as to increase to $15 per day the maximum limit on subsistence expenses allowed to justices and judges traveling while attending court or transacting official business at places other than their official stations be considered in lieu of the House bill.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BUDGE. Reserving the right to object, Mr. Speaker, I wonder if the Speaker would inform me as to the parliamentary situation now. I prefer the Senate language with the $15 limit on the per diem rather than the $25. Will this bill go to conference?

The SPEAKER pro tempore. The Senate could ask for a conference or, of course, they could accept the House bill.

Mr. BUDGE. I thank the Speaker; I shall not object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first paragraph of section 456 of title 28, United States Code, is amended to read as follows:

"Each justice or judge of the United States and each retired justice or judge recalled or designated and assigned to active duty shall, upon his certificate, be paid by the Director of the Administrative Office of the United States Courts all necessary traveling expenses, and also his reasonable maintenance expenses actually incurred not exceeding $15 per day, while attending court or transacting official business at a place other than his official station."

Mr. WALTER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALTER: Strike out all after the enacting clause of the bill S. 32 and insert the provisions of the bill H. R. 5802.

The amendment was agreed to.

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

The title was amended so as to read: "A bill to amend section 456 of title 28 of the United States Code with respect to the official stations of justices and judges."

A motion to reconsider was laid on the table.

A similar House bill (H. R. 5802) was laid on the table.

AMENDING SECTION 1 OF THE NATURAL GAS ACT

The Clerk called the bill (H. R. 5976) to amend section 1 of the Natural Gas Act.

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

Mr. CROSSER. I object.

Mr. CUNNINGHAM. If the gentleman will withhold his objection, I understand a rule has been granted on this bill.

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The Chair might state that it makes no difference.

Mr. CUNNINGHAM. I withdraw the request, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

AMENDING FEDERAL CROP INSURANCE ACT

The Clerk called the bill (H. R. 4211) to amend the Federal Crop Insurance Act, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 508 (a) of the Federal Crop Insurance Act, as amended (7 U. S. C. 1508 (a)), is amended as follows:

(a) By striking out the fourth sentence and inserting in lieu thereof "Beginning with

crops planted for harvest in 1954, crop insurance may be offered each year in not to exceed 100 counties in addition to the number of counties in which such insurance was offered in the preceding year. In determining the new counties in which such insurance is to be offered and the commodities to be insured, the Corporation shall take into consideration the demand of farmers for such insurance, the extent to which such insurance is available to commercial producers of insured commodities, and the anticipated risk of loss to the Corporation."

(b) By striking out the period at the end of the next to the last sentence and inserting ", except that insurance may be provided for producers on farms situated in a local producing area bordering on a county with a crop-insurance program."

Mr. HILL. Mr. Speaker, I ask unanimous consent that the bill (S. 1367) to amend section 508 (a) of the Federal Crop Insurance Act so as to extend for 2 years the authority of Federal Crop Insurance Corporation to expand the crop-insurance program into additional counties, be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the third proviso of section 508 (a) of the Federal Crop Insurance Act, as amended (7 U. S. C., sec. 1508 (a)), is amended by striking out "and 1953" and inserting in lieu thereof "1953, 1954, and 1955."

Mr. HILL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HILL: Strike out all after the enacting clause and insert the provisions of the bill H. R. 4211.

The amendment was agreed to.

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

The title was amended so as to read: "A bill to amend the Federal Crop Insurance Act, as amended."

A motion to reconsider was laid on the table.

A similar House bill (H. R. 4211) was laid on the table.

Mr. METCALF. Mr. Speaker, as the author of H. R. 4162, which also would extend for 4 years the authority of the Federal Crop Insurance Corporation to expand its program into additional counties, I favor H. R. 4211.

Federal crop insurance protects the family farmer from those natural disasters which can nullify a whole season's effort and defeat other farm programs. In protecting the farmer it also protects the whole people, against part of the economic shock of a natural disaster.

The experimental program of the Federal Crop Insurance Corporation in the past 6 years has been highly successful in the 800 counties served. This service should be made available to farmers in the remaining 2,200 counties and should be expanded to cover additional crops. This program is different from any single risk coverage provided by private insurance companies and, therefore, is not competitive.

COAST GUARD DEFENSE HOUSING FACILITY, CAPE MAY, N. J.

The Clerk called the bill (H. R. 6354) to authorize the Coast Guard to accept, operate, and maintain a certain defense housing facility at Cape May, N. J.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Coast Guard is authorized to accept from the Department of the Navy, without reimbursement, the 50-unit defense housing facility at Cape May, N. J., and to operate and maintain such facility on a rental basis for occupancy by Coast Guard personnel and their dependents pursuant to the provisions of the act of July 2, 1945 (59 Stat. 316; 37 U. S. C. 111a).

SEC. 2. The gross amounts of all rentals collected shall be deposited in the Treasury to the credit of miscellaneous receipts. The appropriation "Operating expenses, Coast Guard" shall be available for the cost of operation and maintenance of said housing facility.

SEC. 3. The administration of this housing facility by the Coast Guard shall be in conformity with the administration of similar housing projects by the other Armed Forces.

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

TAX REFUNDS ON CIGARETTES

The Clerk called the bill (H. R. 4319) to authorize tax refunds on cigarettes lost in the floods of 1951.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDING RECLAMATION PROJECT ACT OF 1939

The Clerk called the bill (H. R. 4551) to amend the Reclamation Project Act of 1939 removing authorization of projects by the Secretary of the Interior.

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas.

There was no objection.

SIMPLIFYING PROCEDURES GOVERNING FOOD STANDARDS

The Clerk called the bill (H. R. 6434) to amend sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act so as to simplify the procedures governing the establishment of food standards.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 401 of the Federal Food, Drug, and Cosmetic Act (21 U. S. C., sec. 341), is amended by inserting "(a)" after "SEC. 401." and by adding at the end of such section the following new subsection:

"(b) (1) Any action under subsection (a) for the issuance, amendment, or repeal of any regulation shall be begun by a proposal made (A) by the Secretary on his own initiative, or (B) by petition of any interested person showing reasonable grounds therefor, filed with the Secretary. The Secretary shall publish such proposal and shall afford all interested persons an opportunity to present their views thereon, orally or in writing. As soon as practicable thereafter, the Secretary shall by order act upon such proposal and shall make such order public. Except as provided in paragraph (2), the order shall become effective at such time as may be specified therein, but not prior to the day following the last day on which objections may be filed under such paragraph.

"(2) At any time prior to the thirtieth day after the date on which an order entered under paragraph (1) is made public, any person who will be adversely affected by such order if placed in effect may file objections thereto with the Secretary, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Until final action upon such objections is take by the Secretary under paragraph (3), the filing of such objections shall operate to stay the effectiveness of those provisions of the order to which the objections are made. As soon as practicable after the time for filing objections has expired the Secretary shall publish a notice in the Federal Register specifying those parts of the order which have been stayed by the filing of objections and, if no objections have been filed, stating that fact.

"(3) As soon as practicable after such request for a public hearing, the Secretary, after due notice, shall hold such a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. At the hearing, any interested person may be heard in person or by representative. As soon as practicable after completion of the hearing, the Secretary shall by order act upon such objections and make such order public. Such order shall be based only on substantial evidence of record at such hearing and shall set forth, as part of the order, detailed findings of fact on which the order is based. The Secretary shall specify in the order the date on which it shall take effect, except that it shall not be made to take effect prior to the ninetieth day after its publication unless the Secretary finds that emergency conditions exist necessitating an earlier effective date, in which event the Secretary shall specify in the order his findings as to such conditions. Such order shall be subject to the provisions of section 701 (f) and (g)."

SEC. 2. Section 701 (e) of the Federal Food, Drug, and Cosmetic Act is amended by striking out "401,".

SEC. 3. In any case in which, prior to the date of the enactment of this act, a public hearing has been begun, in accordance with section 701 (e) of the Federal Food, Drug, and Cosmetic Act, upon a proposal to issue, amend, or repeal any regulation contemplated by section 401 of such act, the provisions of such act, as in force immediately prior to the date of the enactment of this act, shall be applicable as though this act had not been enacted.

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

CONVEYING LAND IN DANE COUNTY TO WISCONSIN STATE ARMORY BOARD

The Clerk called the bill (H. R. 1245) to provide for the conveyance of a tract of land in Dane County, Wis., to the Wisconsin State Armory Board.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Army is authorized and directed to donate and convey to the Wisconsin State Armory Board, for the use of the Wisconsin Army National Guard, all the right, title, and interest of the United States in and to a tract of land (together with all buildings and improvements thereon) located in Truax Field, Dane County, Wis. Such tract of land contains approximately 8 8/10 acres and is more particularly described as follows:

Commencing at a point in the east line of section 29, township 8 north, range 10 east, fourth principal meridian, said point being the centerline of Bowman Street; thence west one thousand three hundred and ten feet to a point, said point being the west line of Wright Street, which is the point of beginning; thence north four hundred and fifty feet more or less along the west line of Wright Street to a point in the centerline of Sullivan Street; thence west along the centerline of Sullivan Street to a point in the east line of Hoffman Street; thence south four hundred and fifty feet more or less to a point in the center line of Bowman Street; then east along the center line of Bowman Street to the point of beginning.

With the following committee amendment:

On page 2, following line 12, add the following new section:

"SEC. 2. Any contribution of funds by the Secretary of Defense to the State of Wisconsin, for the construction of facilities as provided in section 3 (c) of the National Defense Facilities Act of 1950 (Public Law 783, 81st Cong.) shall, in addition to the limitation provided in section 4 (d) of said act, be reduced in an amount equivalent to the fair value of the real estate described in section 1, excluding the improvements thereon, as determined by the Department of the Army: *Provided,* That funds contributed by the Federal Government for the construction of a National Guard armory shall be conditioned upon joint construction and joint utilization within the meaning of Public Law 783, 81st Congress, as may be necessary to house other Reserve component units in the area: *And provided further,* That the conveyance herein authorized shall be made subject to the condition and limitation that if the property shall cease to be used for the training and maintaining of Reserve component units, the title to the land so conveyed shall revert to and revest in the United States."

The committee amendment was agreed to.

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

TRANSFERRING CERTAIN LAND AND ACCESS RIGHTS TO THE TERRITORY OF HAWAII

The Clerk called the bill (H. R. 2842) to authorize the Secretary of Defense to transfer certain land and access rights to the Territory of Hawaii.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Defense is hereby authorized and directed to transfer to the Territory of Hawaii all right, title, and interest of the United States in certain land designated as parcels numbered 66 and 69 on right-of-way map of Honolulu-Pearl Harbor Road (Kalia section), Territory of Hawaii, Federal-aid project numbered U–44 (9), dated June 6, 1952, on file in the office of the Chief of Engineers, and described as follows:

All those two certain parcels of land situate at Kalia, Waikiki, Honolulu, city and county of Honolulu, Territory of Hawaii, both being portions of the United States military reservation of Fort De Russy, War Department General Order Numbered 20, dated May 26, 1916, more particularly described as follows:

PARCEL 66

On the east side of Kalia Road, beginning at the southwest corner of this piece of land, on the east side of Kalia Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Punchbowl" being ten thousand thirty-four and ninety-seven one-hundredths feet south and four thousand six hundred eight and eighty-six one-hundredths feet east, thence running by azimuths measured clockwise from true south:

1. One hundred and sixty-six degrees fifty minutes thirteen and forty-four one-hundredths feet along the present east side of Kalia Road;

2. One hundred and eighty-two degrees forty-three minutes twenty seconds seventy-four and forty-three one-hundredths feet along the present east side of Kalia Road, along land described in deed by United States of America to Territory of Hawaii, dated December 14, 1942, and recorded in liber 1737, pages 349 to 352, in the Bureau of Conveyances at Honolulu, Territory of Hawaii;

3. Thence on a curve to the right with a radius of twenty feet, along land described in said deed by United States of America to Territory of Hawaii, dated December 14, 1942, the chord azimuth and distance being two hundred and seventeen degrees thirty-six minutes ten seconds twenty-two and eighty-seven one-hundredths feet;

4. Two hundred and fifty-two degrees twenty-nine minutes two hundred eighty-four and forty-eight one hundredths feet along land described in said deed by United States of America to Territory of Hawaii, dated December 14, 1942;

5. Sixty-nine degrees twenty-three minutes two hundred forty-five and forty-eight one-hundredths feet along the remainder of the United States military reservation of Fort De Russy;

6. Thence along same on a curve to the left with a radius of ninety feet, the chord azimuth and distance being twenty-eight degrees six minutes thirty seconds one hundred eighteen and seventy-four one-hundredths feet to the point of beginning and containing an area of three thousand sixty-six square feet. Together with any abutter's rights of vehicle access, into and from Honolulu-Pearl Harbor Road, Federal aid project numbered U–44 (9), over and across courses 5 and 6 of the above described parcel 66. Also together with any abutter's rights of vehicle access, into and from Honolulu-Pearl Harbor Road, Federal aid project numbered U–44 (9), over and across the present north boundary of United States military reservation of Fort De Russy from the end of course 4 of the above described parcel 66 to a point which is by true azimuth and distance two hundred and fifty-two degrees twenty-nine minutes three hundred sixty-seven feet.

PARCEL 69

On the southwest side of Kalakaua Avenue, beginning at the west corner of this piece of land, on the north boundary of the United States military reservation of Fort De Russy, and on the southeast boundary of lot 15, map 8, of land court application 852, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Punchbowl" being nine thousand six hundred ninety-eight and forty-four one-hundredths feet south and five thousand four hundred twenty-six and sixteen one-hundredths feet east, thence running by azimuths measured clockwise from true south:

1. Two hundred and thirty-four degrees thirty-five minutes fifty-five and seventy-six one-hundredths feet along lot 15, map 8, of land court application 852;

2. Thence on a curve to the right with a radius of twenty feet, along land described in deed by United States of America to Territory of Hawaii, dated December 14, 1942, and recorded in liber 1737, pages 349 to 352, in the Bureau of Conveyances at Honolulu, Territory of Hawaii, the chord azimuth and distance being three hundred and ten degrees fifty-two minutes thirteen and eighty-eight one-hundredths feet;

3. Three hundred and thirty-one degrees ten minutes three hundred forty-six and seventy-seven one hundredths feet along the present southwest side of Kalakaua Avenue;

4. One hundred and forty-five degrees thirteen minutes and thirty seconds ten feet along the remainder of the United States military reservation of Fort De Russy;

5. One hundred and forty-five degrees thirteen minutes thirty seconds one hundred six and thirty-nine one-hundredths feet along same;

6. Thence along same on a curve to the right with a radius of seven hundred and fifty feet, the chord azimuth and distance being one hundred and forty-eight degrees two minutes twenty-two and five-tenths seconds and seventy-three and sixty-six one-hundredths feet;

7. One hundred and fifty degrees fifty-one minutes fifteen seconds and sixty-three and thirteen one-hundredths feet along the remainder of the United States military reservation of Fort De Russy;

8. Thence along same on a curve to the left with a radius of one hundred and forty feet, the chord azimuth and distance being one hundred and twenty-seven degrees forty-two minutes thirty-two and five-tenths seconds and one hundred ten and six one-hundredths feet to the point of beginning and containing an area of six thousand and twenty-one square feet. Together with any abutter's right of vehicle access, into and from Honolulu-Pearl Harbor Road, Federal aid project numbered U–44 (9) and Kalakaua Avenue, over and across courses 5, 6, 7, and 8 of the above-described parcel 69.

With the following committee amendment:

On page 1, line 3, strike out "Secretary of Defense" and insert "Secretary of the Army."

The committee amendment was agreed to.

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

The title was amended so as to read: "A bill to authorize the Secretary of the Army to transfer certain land and access rights to the Territory of Hawaii."

A motion to reconsider was laid on the table.

AMENDING AIR COMMERCE ACT OF 1926

The Clerk called the bill (S. 1402) to amend the Air Commerce Act of 1926, as amended, to authorize navigation of foreign, nontransport, civil aircraft in the United States through reciprocity and under regulations of the Civil Aeronautics Board.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the Air Commerce Act of 1926, as amended, is hereby amended by striking subsections (b)

and (c) thereof and by inserting a new subsection (b) to read as follows:

"(b) Foreign aircraft, which are not a part of the armed forces of a foreign nation, may be navigated in the United States by airmen holding certificates or licenses issued or rendered valid by the United States or by the nation in which the aircraft is registered if such foreign nation grants a similar privilege with respect to aircraft of the United States and only if such navigation is authorized by permit, order, or regulation issued by the Civil Aeronautics Board hereunder, and in accordance with the terms, conditions, and limitations thereof. The Civil Aeronautics Board shall issue such permits, orders, or regulations to such extent only as the Board shall find such action to be in the interest of the public: *Provided, however,* That in exercising its powers hereunder, the Board shall do so consistently with any treaty, convention or agreement which may be in force between the United States and any foreign country or countries. Foreign civil aircraft permitted to navigate in the United States under this subsection may be authorized by the Board to engage in air commerce within the United States except that they shall not take on at any point within the United States, persons, property, or mail carried for compensation or hire and destined for another point within the United States. Nothing contained in this subsection (b) shall be deemed to limit, modify, or amend section 402 of the Civil Aeronautics Act of 1938, as amended, but any foreign air carrier holding a permit under said section 402 shall not be required to obtain additional authorization under this subsection with respect to any operation authorized by said permit."

With the following committee amendment:

Amend the title so as to read: "A bill to amend the Air Commerce Act of 1926, as amended, to authorize navigation of foreign civil aircraft in the United States through reciprocity and under regulations of the Civil Aeronautics Board."

The amendment was agreed to.

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

AMENDING SECTION 1 OF THE ACT APPROVED JUNE 27, 1947 (61 STAT. 189)

The Clerk called the bill (H. R. 130) to amend section 1 of the act approved June 27, 1947 (61 Stat. 189).

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

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, could we have an explanation of this bill from some member of the committee, and also as to whether or not any hearings were held on the bill, and whether Members of the House concerned have had some opportunity to be heard on this?

Mr. MILLER of Nebraska. I think I can inform the gentleman that hearings were held on the bill. Members of the House were informed about the hearings. We have had the recommendation of the Department of the Interior. I think it is definitely in the public interest. The author of the bill, the gentleman from New Mexico [Mr. FERNANDEZ], is present and perhaps he has something he may want to add, and the chairman of the Committee on Interior and Insular Affairs, the gentleman from South Dakota [Mr. BERRY] and the gentleman from Wyoming [Mr. HARRISON] might want to explain the bill. The gentleman from New Mexico [Mr. FERNANDEZ] is author of the bill.

Mr. FERNANDEZ. Mr. Speaker, I do not have much to say in addition to what the chairman of the committee has said. This bill was passed by unanimous consent at the last session of Congress, too late, however, for the other body to act upon it. It has been given reconsideration again this year. The report is a very good report, a very lucid report, and explains the entire situation. It has been well worked out, and I think all interests are taken care of in consonance with the public interest.

Mr. BYRNES of Wisconsin. I wonder if the gentleman can advise me whether this is completely in agreement with the position of the Navajo Tribe, and also whether the Government's interests are amply protected?

Mr. FERNANDEZ. Both are amply protected. Of course, the Navajo Indians would have liked this bill to go further, but we could not agree with that. It does go far enough to rectify the injustice to which it is addressed, and makes it possible for Congress and the Government to keep faith with them.

Mr. BYRNES of Wisconsin. But they were heard, and given an opportunity to state their position?

Mr. FERNANDEZ. They were heard, and they know fully of the amendments which were made.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objecton to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act approved June 27, 1947 (61 Stat. 189), entitled "An act authorizing certain agreements with respect to rights in helium-bearing gas lands in the Navajo Indian Reservation, N. Mex., and for other purposes," be and the same is hereby amended to read as follows:

"That the Secretary of the Interior, acting through the Bureau of Mines, and the Navajo Tribe of Indians are authorized to enter into an agreement dated December 1, 1945, entitled 'An agreement severing certain formations from oil and gas leases and substituting new leases as to those formations' and an 'Amending agreement,' affecting lands in the Navajo Indian Reservation, N. Mex., copies of which are published in House of Representatives Document No. 212, 80th Congress, 1st session, and said agreements are ratified and approved. If said Navajo Tribe of Indians shall, after investigation, deem the total consideration payable to it by the United States pursuant to such agreement dated December 1, 1945, as amended, to be in any respect less than reasonable, fair, just, and equitable, said tribe shall be entitled within 3 years after the date of enactment of this act to institute suit against the United States in the Court of Claims for the recovery of such additional sum as may be necessary to compensate said tribe for the reasonable, fair, just, and equitable value of all right, interest, and property passing from said tribe to the United States under such agreement, as amended. Jurisdiction is hereby conferred upon the Court of Claims to hear and determine any suit so instituted and to enter final judgment against the United States therein for such sum, if any, in excess of the total consideration payable pursuant to such agreement, as amended, as such court may determine to be necessary to provide consideration in all respects reasonable, fair, just, and equitable, provided that interest shall be allowed on such sum at the rate of 4 percent per annum from October 20, 1947, to the date of payment and no offsets shall be deducted from any sum determined by the court to be a reasonable, fair, just, and equitable consideration for the right, interest, and property passing to the United States under and pursuant to said agreement of December 1, 1945, as amended: *Provided further,* That the foregoing provision relating to interest and offsets shall not extend to any other claim or claims asserted in any such suit, whether or not the same arise out of the subject matter of said agreement, but such other claim or claims, if any, shall be governed by the law relating to actions brought pursuant to title 28, United States Code, section 1505. Appellate review of any judgment so entered shall be in the same manner, and subject to the same limitations, as in the case of claims over which the Court of Claims has jurisdiction under section 145 of the Judicial Code, as amended (28 U. S. C., sec. 250). Notwithstanding any contract to the contrary, not more than 10 percent of the amount received or recovered by said tribe in satisfaction of any claim asserted under this section shall be paid to or received by any agent or attorney on account of services rendered in connecton with such claim."

With the following committee amendments:

Page 2, line 16, strike out "sum" and insert "sum, if any."

Page 3, line 3, strike out ", provided that" and insert ": *Provided, That.*"

Page 3, line 7, insert "by the court."

Page 3, line 11, strike out "amended" and insert "amended, and the interest thereon: *Provided further.*"

Page 3, line 21, strike out "section 145 of the Judicial Code, as amended (28 U. S. C., sec. 250)" and insert "section 1491 of title 28, United States Code."

The committee amendments were agreed to.

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

BICENTENNIAL OF THE FOUNDING OF COLUMBIA UNIVERSITY

The Clerk called the House joint resolution (H. J. Res. 250) authorizing the recognition of the 200th anniversary of the founding of Columbia University in the city of New York, and providing for the representation of the Government and people of the United States in the observance of this anniversary.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, it is my understanding that the author of this bill has an amendment to replace the committee amendment, which, if adopted, would remove from the bill any obligation for the payment of expenditures or costs by the Federal Government in connection with the participation of the Congress or others in this celebration of the 200th anniversary of Columbia University.

Mr. Speaker, in going over this bill it would seem there are a number of cases where it may prove advisable for the

Congress to participate, but it is, indeed, questionable at this time whether the Congress should undertake the obligation of the financial cost of such participation.

The SPEAKER pro tempore. May the Chair inquire whether or not the gentleman from New York [Mr. JAVITS] has a substitute amendment for the committee amendment?

Mr. JAVITS. I do have, Mr. Speaker. The amendment is to strike out the original section 6 of the bill, which deals with an authorization for appropriation.

I might explain to the House the following situation. When the bill was first put in, it carried an authorization of $10,000. Previous bills of the same character have been enacted; 1 for Washington and Lee University, 1 for Princeton, and 1 for Harvard, under circumstances similar to the Columbia bicentennial. However, the committee did not think it was advisable at this time; so, with the consent of Columbia University, I agreed with the committee that that would be stricken out. The committee, on its own motion, inserted this provision with respect to the payment of expenses of Members of Congress out of the contingent fund.

I feel that again the basic purpose of the bill is far more vital than any such question and I believe the committee agreed and so I am perfectly willing to have that eliminated and will submit a proper amendment, whatever the Parliamentarian advises in that kind of situation.

The SPEAKER pro tempore. May the Chair inquire as to whether or not it is the purpose of the gentleman from New York [Mr. JAVITS] to eliminate section 6 from the bill?

Mr. JAVITS. It is, Mr. Speaker. And I will submit such an amendment, if it is permissible after the consideration of the bill is agreed to.

Mr. BYRNES of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BYRNES of Wisconsin. As I understand it, there is a committee amendment to this bill which strikes out section 6 and inserts a new section 6.

Is it in order for the gentleman from New York [Mr. JAVITS] to submit a substitute amendment for the committee amendment which would merely strike out section 6 without the insertion of the additional amendment?

The SPEAKER pro tempore. The proper way to handle this, it would seem to the Chair, would be to vote down the committee amendment in respect to section 6 and then adopt the Javits amendment.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my objection.

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

Mr. BURDICK. Mr. Speaker, reserving the right to object, it seems there is no one here who knows what you are trying to do about this anniversary; and unless you know, who have been studying it, how do you expect me to say yes or no to it?

The SPEAKER pro tempore. The Chair might state to the gentleman that as the Chair understands the parliamentary situation and the practical situation, the objection would be raised to the expenditure of Federal money. It is now proposed to avoid that by striking out section 6 which is the part of the bill having to do with the expendtiure of money.

Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the resolution, as follows:

Whereas King's College, chartered in 1754, was one of the earliest institutions of higher learning to be established in the American colonies; and its alumni, including such famous Americans as Alexander Hamilton, John Jay, Robert R. Livingston, and Gouverneur Morris, played a brilliant role in the struggle for American independence, in the formulation and adoption of the Constitution of the United States, and in the establishment of a new government dedicated to the liberty of man; and

Whereas King's College became Columbia University subsequent to the American Revolution and, in ensuing decades, has carried and enhanced the prestige of American scholarship and scientific research throughout the world and has contributed abundantly at home to the increase of learning, the betterment of the professions and the enrichment of the community generally; and

Whereas the president emeritus of Columbia is now the President United States from among those trained in its schools: Two Presidents, Theodore Roosevelt and Franklin D. Roosevelt; a Vice President, Daniel D. Tompkins; three Chief Justices, John Jay—first to hold that office, Charles Evans Hughes, and Harlan Fiske Stone; and many other outstanding public servants in the legislative, executive, and judicial departments, as well as numberless distinguished citizens in all walks of life; and

Whereas Columbia University, over the years, has given to the of the United States; and

Whereas there are to be held at New York City and other places, during 1954, ceremonies, convocations, and conferences commemorating this anniversary of Columbia University, at which illustrious scholars and personages from many lands will attend; and

Whereas the State and city of New York will be officially represented at these exercises; and

Whereas many activities connected with this anniversary will be devoted to furthering and exemplifying the affirmative values of the institutions of a people devoted to freedom: Therefore be it

Resolved, etc., That the Government of the people of the United States unite with Columbia University in the city of New York in a fitting observance of the 200th anniversary of its founding.

SEC. 2. There is hereby established a commission to be known as the United States Commission for the Bicentennial of Columbia University in the city of New York. This Commission shall consist of 15 Commissioners, as follows: The President of the United States and 4 persons appointed by him; the President of the Senate and 4 Members of the Senate appointed by him; and the Speaker of the House of Representatives and 4 Members of the House appointed by him.

SEC. 3. The Commission, on behalf of the United States, shall cooperate with the representatives of Columbia University, the State of New York, and the city of New York in the appropriate observance of Columbia University's bicentennial, and shall extend appropriate greetings and courtesies to representatives of foreign governments, to the delegates of foreign universities and other foreign learned bodies, and to foreign scholars and other individuals attending the celebrations as guests of Columbia University. The Commission is authorized in performing its functions under this section to utilize the services and facilities of the various agencies and instrumentalities of the United States, with the consent of such agencies and instrumentalities.

SEC. 4. The members of the Commission shall serve without compensation. They shall select a chairman and a secretary from among their number, but the President of the United States shall be honorary chairman of the Commission.

SEC. 5. Any vacancies occurring in the appointive membership of the Commission shall be filled in the same manner in which the original appointment was made.

SEC. 6. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to be expended by the Commission for expenses, including actual and necessary traveling and susistence expenses, incurred while performing its functions under this resolution. The Commission shall have power to select, hire, and fix the compensation of such officers and employees as shall be necessary for the performance of its functions, without regard to the provisions of other laws applicable to employment or compensation of officers or employees of the United States.

The SPEAKER pro tempore. The Clerk will report the committee amendment on pages 4 and 5.

The Clerk read as follows:

On page 4, strike out all of section 6 of the resolution and insert in lieu thereof the following:

"SEC. 6. Necessary expenses of any Member of Congress incidental to the performance of duties and responsibilities pursuant to designation under this resolution shall be paid out of the contingent fund of the House of which such member is a Member."

The committee amendment was rejected.

Mr. JAVITS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JAVITS: On page 4, after line 11, strike out section 6, lines 12 to 22 inclusive.

The SPEAKER pro tempore. Without objection the amendment will be agreed to.

Mr. GROSS. Mr. Speaker, reserving the right to object, what are we here doing? Paying the expenses of people to attend the celebration?

The SPEAKER pro tempore. The Chair might state to the gentleman from Iowa that what we are doing is striking out the provision which permits the paying of expenses out of the Federal Treasury.

Mr. GROSS. I withdraw my objection.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the other committee amendments.

The Clerk read as follows:

The first line of the third "Whereas clause" of the resolution is amended to read as follows:

"Whereas Columbia University, over the years, has given to the."

The first line of the fourth "Whereas clause" of the resolution is amended to read as follows:

"Whereas the president emeritus of Columbia is now the President."

The amendments were agreed to.

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

BICENTENNIAL OF THE ALBANY CONGRESS

The Clerk called the resolution (H. J. Res. 290) creating a committee to assist in the celebration of the 200th anniversary of the Congress of 1754, held at Albany, N. Y., on June 24 of that year.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, in this instance we have the same trouble we had in conjunction with the prior bill. It is the feeling in this instance also that there is no good purpose to be served by the Federal Government assuming the responsibility for the payment of expenses in connection with this celebration.

Mr. Speaker, I ask unanimous consent that the bill may be placed at the foot of today's calendar in order to see if we can work out a proper amendment to take care of the situation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MARKING CONTAINERS OF AMERICAN EXPORT GOODS WITH THE INSCRIPTION "UNITED STATES OF AMERICA"

The Clerk called the resolution (S. Con. Res. 40) favoring the placing of the inscription "United States of America" on containers of American-made goods for export.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. BAILEY. Mr. Speaker, reserving the right to object, and I shall not, I want to make this statement.

I have before me a copy of the bill and a copy of the committee report. There may be no objection to the purpose of the legislation, but I would like my colleagues to realize that it is about high time that somebody introduced legislation requiring the proper stamping of articles of import into this country to show the nation of origin, so the American people would know what they were buying.

I withdraw my reservation of objection.

Mr. GROSS. Mr. Speaker, further reserving the right to object, I read in a Baltimore newspaper a few days ago that cargoes of food are leaving New York City for East Germany without any marking upon the boxes to designate that it is given by the people of the United States. I hope this legislation will cause somebody, if we are going to give away food, to see that the United States gets credit.

Mr. CELLER. Mr. Speaker, reserving the right to object, and I shall not object, to ask for an explanation of this bill. Does this provide that all containers shipped out of the country containing American productivity must under any and all circumstances have the label "United States of America"?

Mr. PELLY. It is not necessary in all cases.

Mr. CELLER. In other words, there may be some cases where it would not be proper?

Mr. PELLY. It would not be practical.

Mr. CELLER. It would not be proper so far as the security of the United States is concerned to have "United States of America" on the container?

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

Mr. BAILEY. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from New York [Mr. CELLER] if he had in mind such American articles that are being produced in this country being shipped to communistic Russia. Is the idea there that they should not be marked?

Mr. CELLER. No; I have no such idea.

Mr. PELLY. Sometimes they have marked "U. S." and after they got over there the letters "S. R." have been added. This would provide that United States of America be spelled out.

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

There being no objection, the Clerk read the Senate concurrent resolution, as follows:

Whereas the products of American industry and labor are high quality; and

Whereas such products are a proud symbol of the accomplishment of our free enterprise system and democratic way of life: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress of the United States that American-made goods should be publicized as such, and that the President should instruct the Secretary of Commerce to use the facilities of the Department of Commerce to call upon producers and merchants to affix, insofar as practicable, to the external shipping containers of all American-made goods for export the following inscription in indelible print of a suitable size: "United States of America."

The Senate concurrent resolution was agreed to, and a motion to reconsider was laid on the table.

MODEL HOUSING BOARD OF PUERTO RICO

The Clerk called the bill (H. R. 4030) to repeal section 4 of the act of March 2, 1934, creating the Model Housing Board of Puerto Rico.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the act of March 2, 1934 (48 Stat. 361; 48 U. S. C. 793a), is hereby repealed.

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

AMENDING SECTION 24 OF THE FEDERAL RESERVE ACT

The Clerk called the bill (H. R. 5603) to amend the Federal Reserve Act so as to authorize national banking associations to make loans on forest tracts.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 24 of the Federal Reserve Act, as amended, is amended by inserting after the first paragraph thereof the following new paragraph:

"Any national banking association may make real-estate loans secured by first liens upon forest tracts which are properly managed in all respects. Such loans shall be in the form of an obligation or obligations secured by mortgage, trust deed, or other such instrument; and any national banking association may purchase any obligation so secured when the entire amount of such obligation is sold to the association. The amount of any such loan shall not exceed 40 percent of the appraised value of the economically marketable timber offered as security and the loan shall be made upon such terms and conditions as to assure that at no time shall the loan balance exceed 40 percent of the original appraised value of the economically marketable timber then remaining. No such loan shall be made for a longer term than 2 years; except that any such loan may be made for a term not longer than 10 years of the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the installment payments are sufficient to amortize the principal of the loan within a period of not more than 10 years and at a rate of at least 10 percent per annum. All such loans secured by first liens upon forest tracts shall be included in the permissible aggregate of all real-estate loans prescribed in the preceding paragraph, but no national banking association shall make forest-tract loans in an aggregate sum in excess of 50 percent of its capital stock and surplus."

With the following committee amendments:

Page 2, line 13, strike out "of" and insert "if."

Page 2, line 23, strike out "and surplus" and insert "paid in and unimpaired plus 50 percent of its unimpaired surplus fund."

The committee amendments were agreed to.

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

House Resolution 358 was laid on the table.

A motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF INTERIOR TO ISSUE A PATENT TO THE STATE OF IDAHO FOR CERTAIN LAND

The Clerk called the bill (H. R. 998) authorizing the Secretary of the Interior to issue a patent to the State of Idaho for certain land.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue a patent or patents to the State of Idaho for the lands relinquished by the State under Carey Act Segregation List No. 53 for use only by the State for conveyance by deed to the holders of State final certificates for such land or to their heirs, successors, or assigns for the tract of land covered by such final certificate.

With the following committee amendment:

Page 1, line 6, after "53", insert "for which State final certificates have been issued."

The committee amendment was agreed to.

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

AUTHORIZING THE SALE OF CERTAIN LANDS TO THE STATE OF OKLAHOMA

The Clerk called the bill (H. R. 4508) to authorize the sale of certain lands to the State of Oklahoma.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to convey by quitclaim deed to the State of Oklahoma, at a fair value as determined by him, which in no event shall be less than the cost to the Government of acquiring such areas, all right, title, and interest of the United States in and to the following-described land situated in the counties of Greer and Kiowa, State of Oklahoma, for public park and recreational purposes only.

The west half of the northwest quarter of the southwest quarter, the west half of the western half of the southwest quarter of the southwest quarter, the southwest quarter of the southeast quarter of the southwest quarter of the southwest quarter, and the east half of the eastern half of the southwest quarter of the southwest quarter of section 15, township 5 north, range 20 west, of the Indian base meridian, containing forty-two and five-tenths acres, more or less, in Greer County.

The east half of the southeast quarter of the southeast quarter of the northwest quarter, the southeast quarter of the northeast quarter of the southeast quarter of the northwest quarter, the west half of the southwest quarter of the southwest quarter of the northeast quarter and the southwest quarter of the northwest quarter of the southwest quarter of the northeast quarter of section 22, township 5 north, range 20 west, of the Indian base meridian, containing fifteen acres, more or less, in Greer County.

The east quarter of the southwest quarter and the southwest quarter of the southeast quarter of the southwest quarter of section 26, township 5 north, range 20 west, of the Indian base meridian, containing thirty acres, more or less, in Kiowa County.

With the following committee amendments:

Page 2, line 1, strike out "western" and insert "west."

Page 2, line 4, strike out "eastern" and insert "east."

Page 2, line 18, strike out "quarter" and insert "half."

The committee amendments were agreed to.

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

Mr. KRUEGER. Mr. Speaker, I ask unanimous consent to extend my remarks immediately preceding the consideration of the bill (H. R. 3986).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

PREFERENCE FOR FORMER OWNERS OF CERTAIN DWELLINGS

The Clerk called the bill (H. R. 6130) to permit a first preference for former owners of certain dwellings being sold under Lanham War Housing Act.

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

Mr. LUCAS. Mr. Speaker, reserving the right to object, I would like to have this bill explained.

Mrs. ST. GEORGE. This bill was introduced to take care of certain people whose houses have been taken over for Federal housing projects. There are very few of them in the country. There are some of them in my district. All the bill does, it gives these owners, some of whom have owned the houses for more than one generation, the right to buy the property back before it is sold to someone else after the project is abandoned. Of course, in some instances these former owners will not take advantage of this opportunity, but in some cases it is a very real hardship to them not to be able to get their old homes back. That is all that the bill will do.

Mr. LUCAS. Is this bill applicable to lands and dwellings?

Mrs. ST. GEORGE. It is really only applicable to dwellings, I will say to the gentleman. These are houses that have been seized in these tracts that have been taken by the Government.

Mr. LUCAS. Mr. Speaker, I withdraw my reservation of objection.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 607 (b) of the act entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," approved October 14, 1940, as amended, is amended by inserting after the first sentence of the last paragraph of that subsection the following sentence: "In the disposition of any dwellings under this section which were acquired by the United States from persons occupying the dwellings at the time of such acquisition, the Administrator may, notwithstanding the order of preference provided in this section, grant a first preference to such persons in the purchase of any of these dwellings for such period and under such conditions as he may determine to be appropriate and in the public interest."

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

LIQUIDATE THE PUERTO RICO RECONSTRUCTION ADMINISTRATION

The Clerk called the resolution (H. J. Res. 297) authorizing and directing the Secretary of the Interior to liquidate the Puerto Rico Reconstruction Administration.

There being no objection, the Clerk read the Joint Resolution, as follows:

Whereas the Puerto Rico Reconstruction Administration was established as an agency of the Department of the Interior by Executive Order No. 7057 of May 28, 1935, under authority of the Emergency Relief Appropriation Act of 1935, "to initiate, formulate, administer, and supervise a program of approved projects for providing relief and work relief and for increasing employment within Puerto Rico"; and

Whereas, from 1935 to 1942, the Puerto Rico Reconstruction Administration engaged in activities such as health, sanitation, urban and rural housing, demonstration farming, public works, work relief, construction of hydroelectric plants and distribution lines, development of home and heavy industry, loans to farmers and cooperatives and research; and

Whereas, since 1942, the Puerto Rico Reconstruction Administration has engaged in no new activities and it has been primarily concerned with management of rural and urban housing projects, including the collection of rents, mortgage installments and notes, and maintenance and repairs to buildings, collection and servicing of loans to cooperatives, and operation of a coffee plantation and coffee processing plant; and

Whereas the act of February 11, 1936 (49 Stat. 1135), established a revolving fund out of which the activities of the Puerto Rico Reconstruction Administration have been financed, directed that said fund remain available until the Congress should otherwise provide, and authorized the continuation of any agency established to administer that fund as long as the fund remained available for expenditures; and

Whereas the purposes for which the Puerto Rico Reconstruction Administration was created have long since been accomplished and the activities in which it is now engaged are costly to the United States, are to some extent in competition with private enterprise, and are of such a naure that they could and should be taken over by private capital; and

Whereas the Secretary of the Interior and the Comptroller General of the United States have recommended that the Puerto Rico Reconstruction Administration be liquidated forthwith: Therefore be it

Resolved, etc., That (1) the Secretary of the Interior, through such officers, agents, or employees as he may designate, is hereby authorized and directed to liquidate the agency known as the Puerto Rico Reconstruction Administration established by Executive Order No. 7057 of May 28, 1935, in accordance with the terms of this joint resolution.

(2) Disposition of all property of the Puerto Rico Reconstruction Administration, pursuant to the terms of this joint resolution, shall be completed within 18 months from the date of enactment of this joint resolution, and all functions and activities of the administration shall cease by that date.

(3) The authority contained herein to liquidate the Puerto Rico Reconstruction Administration shall include authority to sell, transfer, or otherwise dispose of, upon such terms and at such discounts as the Secretary of the Interior may deem advantageous to the United States, all property, real and personal, or mixed, and any interest in or control over such property, owned by the Puerto Rico Reconstruction Administration, or owned by the United States and under the administrative jurisdiction of the Puerto Rico Reconstruction Administration. Such sale, transfer, or other disposition may be made without regard to the provisions of the Federal Property and Administrative Services Act of 1949, as amended. Disposition of the properties may be made to private individuals, associations of individuals, or to agencies or instrumentalities of the Commonwealth of Puerto Rico: *Provided*, That the Secretary of the Interior shall in all instances offer first opportunity to persons living in, on, or in the vicinity of the said properties to acquire them on terms not incompatible with the interests of the United States: *And provided further*, That loans to cooperatives may be transferred for

collection to any agency of the United States.

(4) There shall be deposited in the Treasury of the United States, as miscellaneous receipts, (a) any and all proceeds from the sale, transfer, or other disposition of the properties and interests aforesaid, (b) the balance remaining in the so-called revolving fund established by the act of February 11, 1936 (49 Stat. 1135), after costs of liquidation, salaries of employees, and so forth, are paid, and (c) all sums realized from the liquidation of accounts receivable.

(5) The Secretary of the Interior is authorized and empowered to do all necessary acts and things in addition to those specifically authorized in this point resolution to enable him to accomplish the purposes thereof.

(6) The Secretary of the Interior shall, upon completion of the liquidation as directed, by this joint resolution, submit a report thereon to the Congress of the United States, reciting the disposition made of properties and moneys.

With the following committee amendments:

Page 2, line 3: Strike the designation "(1)."

Page 3, line 5: Strike the designation "(2)" and insert in lieu thereof the words "Sec. 2."

Page 3, line 11: Strike the designation "(3)" and insert in lieu thereof the words "Sec. 3."

Page 3, line 16: Strike the words "real and personal" and insert in lieu thereof the words "real, personal."

Page 3, line 24: Strike the words "individuals, or" and insert in lieu thereof the word "individuals."

Page 3, line 25: Strike all of line 25.

Page 4, line 1: Strike the words "Puerto Rico."

Page 4, following line 7: Insert the following new section 4:

"SEC. 4. (a) Effective upon the date of enactment of this act, all restrictions, not otherwise required by any law of the United States or the Commonwealth of Puerto Rico, imposed by and contained in any deed of conveyance executed prior to that date by the Puerto Rico Reconstruction Administration, and as to which all liens enumerated therein have been satisfied or which may be satisfied during the period of liquidation prescribed by this act, shall be null and void and of no effect immediately or upon the satisfaction of said liens, as the case may be, and the owner of property described in any such deed may use, transfer, mortgage, lease, sell or otherwise encumber or dispose of said property without regard to such restrictions.

"(b) The Puerto Rico Reconstruction Administration shall not impose, in any deed of conveyance executed by it during the period of liquidation prescribed by this act, any restrictions except such restrictions as may be required by the laws of the United States or the Commonwealth of Puerto Rico."

Page 4, line 8: Strike the designation "(4)" and insert in lieu thereof the words "Sec. 5."

Page 4, line 14: Strike the words "so forth," and insert in lieu thereof the words "other similar obligations."

Page 4, line 17: Strike the designation "(5)" and insert in lieu thereof the words "Sec. 6."

Page 4, line 21: Strike the designation "(6)" and insert in lieu thereof the words "Sec. 7."

The committee amendments were agreed to.

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

CERTAIN COSTS AND EXPENSES SHALL BE NONREIMBURSABLE

The Clerk called the bill (S. 727) to provide that certain costs and expenses incurred in connection with certain repayment contracts with irrigation districts approved by the acts of Congress of May 6, 1949 (63 Stat. 62), October 27, 1949 (63 Stat. 941), and June 23, 1952 (66 Stat. 151, 153), shall be nonreimbursable.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXCHANGE AND AMENDMENT OF FARM UNITS

The Clerk called the bill (S. 887) to permit the exchange and amendment of farm units on Federal irrigation projects, and for other purposes.

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

Mr. CUNNINGHAM. Mr. Speaker, reserving the right to object, I would like to inquire of the chairman of the committee, the author of this bill, in regard to it. I notice in the report the Department of the Interior recommends enactment. However, the Department of Agriculture has no objection to the bill if certain amendments are made, and the Bureau of the Budget has no objection if the bill is amended in accordance with the request of the Department of Agriculture. I find that the bill has not been so amended. Does the gentleman intend to offer such an amendment?

Mr. D'EWART. I do not intend to offer such an amendment because I believe if you will examine the bill you will find the request of the Secretary of Agriculture has been taken care of. If you will note the date of the letter from the Secretary of Agriculture, it is April 2. This bill passed the Senate in July, and if you will refer now to the particular section to which he refers, section 6 is identical with the one suggested by the Secretary of Agriculture as far as water rights are concerned. Then if you will refer to section 7 I think you will find that that section adequately takes care of mortgages under the Bankhead-Jones law and does cover his security.

Mr. CUNNINGHAM. Will the gentleman state then that the substance of the amendments requested by the Secretary of Agriculture are now in this present bill?

Mr. D'EWART. In the two sections that I mentioned.

Mr. CUNNINGHAM. I withdraw my reservation of objection, Mr. Speaker.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMEND SECTION 202 OF THE FEDERAL POWER ACT

The Clerk called the bill (S. 1442) to amend section 202 of the Federal Power Act, with respect to the jurisdiction of the Federal Power Commission over persons and facilities engaged in the transmission for sale of electric energy to foreign countries.

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

Mr. HESELTON. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, may we determine what the objection is, if there is any?

Mr. HESELTON. Mr. Speaker, this bill may very properly be considered. However, there are certain Members who feel rather keenly that it should be discussed at least briefly and certain points should be made. I make the point that this may be premature in terms of the bill the Speaker pro tempore introduced and which has been enacted into law creating a commission which will look into all these Federal, State, and local relationships and make recommendations, possibly addressing itself to this question of regulation by the Federal Power Commission or the State commissions.

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

Mr. HESELTON. I yield to the gentleman from Arkansas.

Mr. HARRIS. I am sure the gentleman has had occasion to observe the attitude of the Federal Power Commission regarding the proposal. Those of us who sat through the hearings and listened to the Federal Power Commission and also the people involved, both in Canada and Michigan, came to the conclusion that there is a very great need in the interest of the people in that area that this type of legislation be approved. I am sure the gentleman must have observed that the Detroit Edison Co. is in the process of expanding its facilities by, I believe, some $3 million, if they are given an opportunity and permission to merge the services or exchange of power with the Canadian Government just across the line in Canada. I think the gentleman should realize that this is a matter that affects only the local people up there. It cannot establish a precedent or in any way adversely affect the entire situation under the Federal Power Act.

Mr. HESELTON. I realize that on the surface it appears to affect only the Detroit Edison Co. and the company in Ontario through interchange relationships.

Mr. HARRIS. That is true beyond any question of doubt.

Mr. HESELTON. But the language is general and it can affect many other situations which could arise in the future, I think.

However, going back to what the gentleman said as to the attitude of the Federal Power Commission, it is true

that the committee report contains a letter approving the legislation. However, in that very letter the reservations of one of the Commissioners were noted. Those reservations have not been placed in the committee record, as I understand. I have seen only this one statement by that Commission, which I think should be considered. All I am making this request for is so that Members who wish to consider the matter will have the opportunity of discussing it briefly, and then quite possibly pass the bill.

Mr. HARRIS. I am sure the gentleman understands that insofar as the authority with reference to the export of power into foreign countries is concerned, that is retained in this legislation by the Federal Power Commission. It is just a question of permitting this private company serving the people in that general area, and millions of people are involved, to have the privilege of exchanging power with the Ontario company across in Canada.

Mr. HESELTON. Let me reemphasize the point I am trying to make. I am asking that Members who want to discuss this matter have that opportunity. In my opinion, this is not a bill which should be passed by the House by unanimous consent.

Mr. HARRIS. I appreciate the reservations the gentleman has, but I am sure the gentleman also understands that unless the announcement today changes the situation the Congress will very likely adjourn tomorrow or Saturday, according to the reports we have had. The gentleman certainly understands there will be no opportunity, very likely, to get it up for discussion and full debate as the gentleman desires because of the program here. It is a bill that is highly important to the people of Michigan and the people across in Canada. I can assure the gentleman that the committee went into it very thoroughly, and we reserved all the prerogatives and rights of the Federal Power Commission in matters of this kind. It is simply a situation which affects tremendously the people up there. I am sincere when I say that the gentleman will do a great injustice to those people in the matter of service if we cannot get this bill approved.

Mr. HESELTON. May I reply briefly that in connection with No. 228 on the Consent Calendar it is also my intention to ask that the bill be passed over without prejudice, for the same purpose. The committee understood that when we met the other morning and I discussed it. I have not filed a minority report, but I did file additional views so that this matter could be understood as a matter of legislative history.

Mr. HARRIS. I have read the additional views of the gentleman as contained in the report on this bill. I do not see that the gentleman has any amendment to offer to the bill. I just cannot understand what it is that the gentleman questions about the bill.

Mr. WOLCOTT. Mr. Speaker, if I may call the gentleman's attention to some additional information, and I hope he will not object to the consideration of the bill, the committee report contains a statement by Mr. Kuykendall, chairman of the Federal Power Commission before the House Committee on Interstate and Foreign Commerce. As the gentleman has mentioned, he called attention to the actions taken by Commissioners Draper and Smith who agree with him that the Border Pipeline case was good law, and they have changed their regulations so that their regulations are in conformity with what we intended when we passed the act. They have, therefore, removed any objection to this. He mentions the fact that Commissioner Doty, although he does not believe that the Border Pipeline case is applicable to this situation, in his opinion the objective sought to be accomplished by this legislation is in the public interest. It would appear, therefore, from that statement that there is no question involved in this bill which would be properly considered by the commission to which the gentleman refers. It is a question of redefining the legislative position which we took when the legislation was originally enacted because for a period at least the Federal Power Commission, in its contention that that was not good law, wrote new law into their regulation. Now realizing that they had amended law by regulation, the commission now recognizing that has changed their regulation to conform to the original intention of the Congress, as explained in the Border Pipeline case. I hope the gentleman will not object. This bill is most important to that whole industrial section of eastern Michigan and western Canada.

Mr. HESELTON. May I inquire whether the gentleman has had an opportunity to read the memorandum which Commissioner Doty has prepared.

Mr. WOLCOTT. Yes, and I have a supplemental memorandum which I will be glad to discuss with the gentleman.

Mr. HARRIS. May I point out that originally the State Department had some reservation about it, but language was suggested in connection with the proposal which the other body included in its bill. It passed the other body and the House committee has accepted that bill, which was introduced in the other body, and it is before you now. Apparently all of the objections so far as the department is concerned have been withdrawn with the possible exception of Mr. Doty's.

Mr. WOLCOTT. The gentleman realizes, of course, that the department sent down the draft of this language, does he not?

Mr. HESELTON. Yes. There is no doubt about that.

Mr. Speaker, it is obvious to me in order to save the time of the House that it would be advisable that this bill go over to the end of the calendar, during which time I will be glad to discuss the matter. It is obvious that we cannot settle this matter now, and I am not disposed to let it pass without some consideration. Consequently, Mr. Speaker, I ask unanimous consent that the bill go to the foot of the calendar so that we can see if we cannot adjust our differences.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. HESELTON] that the bill go to the foot of the Calendar?

There was no objection.

HAWAIIAN HOMES COMMISSION

The Clerk called the bill (H. R. 2839) to enable the Hawaiian Homes Commission of the Territory of Hawaii to exchange available lands as designated by the Hawaiian Homes Commission Act, 1920, for public lands.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 204 of the Hawaiian Homes Commission Act, 1920, as amended, be further amended by adding a new subparagraph thereto, designated subparagraph "(4)", and to read as follows:

"(4) The commission may, with the approval of the Governor and the Secretary of the Interior, in order to consolidate its holdings or to better effectuate the purposes of this act, exchange the title to available lands at Waimanalo, Island of Oahu, for similarly located publicly owned lands of an equal value. All land so acquired by the commission shall assume the status of available lands as though the same were originally designated as such under section 203 hereof, and all land so conveyed by the commission shall assume the status of the land for which it was exchanged. The limitations imposed by section 73 (1) of the Hawaiian Organic Act and the land laws of Hawaii as to the area and value of land that may be conveyed by way of exchange shall not apply to exchanges made pursuant thereto."

SEC. 2. This act shall take effect upon its approval.

With the following committee amendment:

Page 2, line 10, strike out the word "thereto" and insert in lieu thereof the word "hereto."

The committee amendment was agreed to.

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

CEDING CERTAIN PROPERTY TO THE TERRITORY OF HAWAII BY THE UNITED STATES

The Clerk called the bill (H. R. 2846) authorizing the President to exercise certain powers conferred upon him by the Hawaiian Organic Act in respect of certain property ceded to the United States by the Republic of Hawaii.

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

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I wonder if some member of the committee will advise if the property involved in this transfer was acquired by the Government in the first instance by purchase, or what the situation was.

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

Mr. BYRNES of Wisconsin. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. This was not acquired by purchase. These tracts of land are needed by the Territory of Hawaii for the construction of a pier in the harbor of Honolulu.

Mr. BYRNES of Wisconsin. I understand that. It is desired that the Federal Government give it to the Territory of Hawaii, but I was wondering whether in the first instance this property was acquired by the Federal Government by purchase from somebody and if we are now asked to give it to the Territory of Hawaii.

Mr. SAYLOR. This has the recommendation of the General Services Department of the Army, and knowing that Department I cannot imagine they would be in favor of giving away anything. However, I cannot answer the gentleman's question.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that this bill go to the foot of the calendar that the committee may be able to get that information in the meantime.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

DEVELOPMENT AND CONSTRUCTION OF WATER-CONSERVATION FACILITIES BY STATES AND MUNICIPALITIES

The Clerk called the bill (H. R. 6112) to facilitate the development and construction of water-conservation facilities by States and municipalities, and for other purposes.

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

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CURTIS of Nebraska. Mr. Speaker, reserving the right to object, I sincerely hope the gentleman from Pennsylvania [Mr. SAYLOR] will not insist that this bill be passed over. It is a matter that is vital to many people. While there are some folks in my State who are interested, it is very urgent to a number of people elsewhere. It involves a situation which I believe the entire Congress wants to correct. The Federal Government holds the power to recapture various power and water projects, whether they be owned by municipalities or private companies. When the House considered the Niagara bill, we took that power away from the Federal Government. It is too much concentration of power in Washington. It is threatened to be exercised against the REA's and everybody else. This bill as originally reported contained a provision removing the recapture clause of the Federal Power Act as to State and municipal projects and relieving States and municipalities from certain costs. If the gentleman will permit the bill to be considered, an amendment will be offered modifying the cost section so that they will pay their just share of the costs.

I certainly hope the gentleman from Pennsylvania will not insist that the bill be passed over.

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

Mr. CURTIS of Nebraska. I yield to the gentleman from Texas.

Mr. LUCAS. Some of my people in Texas are very much interested in this legislation. We are developing our waterpower on the Brazos River, and we are anxious that this legislation be passed in order that we may continue that development. Unless we have such legislation our development will be retarded for years to come. I endorse the gentleman's desire to permit the early passage of this legislation.

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

Mr. CURTIS of Nebraska. I yield to the gentleman from Texas.

Mr. THORNBERRY. As has been pointed out, this legislation will be helpful to the State authority, the Brazos River Authority, which has been trying to finance its own project, in the manufacture of public power and the concentration and storage of flood waters. They want to issue revenue bonds which would permit them to construct their own project and not call upon the Federal Government to do it. Here is an instance where a State agency wants to do its own work, and I think most of us ought to be for the bill.

Mr. CURTIS of Nebraska. This bill strikes at the concentration of power in Washington, which threatens to seize power facilities all over the country. This so hampers the States and municipalities that they cannot secure their finances and proceed. Certainly it is the sense of this Congress that where these facilities can be developed with non-Government funds, we ought to make way for them to do it.

I hope the gentleman will allow us to proceed.

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

Mr. CURTIS of Nebraska. I yield to the gentleman from Michigan.

Mr. DONDERO. Is there anything in this bill which prevents private enterprises from developing water power?

Mr. CURTIS of Nebraska. Not a thing.

The SPEAKER. Is there objection?

Mr. HELLER. Mr. Speaker, I object.

Mr. CURTIS of Nebraska. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CURTIS of Nebraska. To what is the gentleman objecting? There was a request that the bill go over.

Mr. HELLER. I understand there are provisions in sections 3 and 4——

The SPEAKER. The request was that the bill be passed over without prejudice.

Mr. CURTIS of Nebraska. I want to say to the gentleman who was objecting as to sections 3 and 4, an amendment will be offered here on the floor changing them adequately. I sincerely hope the gentleman will withhold his objection until we have the measure before us.

Mr. HELLER. I regret, but Mr. Speaker, I object.

The SPEAKER. The gentleman objects to postponement of consideration?

Mr. HELLER. I do; I object.

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

Mr. HELLER. Mr. Speaker, I object.

NEW JERSEY-NEW YORK WATERFRONT COMMISSION COMPACT

The Clerk called the bill (S. 2383) granting the consent of Congress to a compact between the State of New Jersey and the State of New York, known as the Waterfront Commission Compact, and for other purposes.

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

Mr. CELLER. Mr. Speaker, reserving the right to object, and I shall not; I want to draw the attention of the House to the fact that this is consent given to a compact between the States of New York and New Jersey for the purpose of setting up a bi-State crime commission.

It developed in the hearings before the House Judiciary Committee that there was no termination date to this compact and that it is a perpetual compact, despite the fact that the New York State Crime Commission recommended that any legislation that might develop to curb the crime situation along the New York waterfront and in the port of New York should be only temporary and not permanent.

Furthermore, in this compact you find a most unusual provision, namely, that the States involved may in their discretion make amendments to the compact and that the Congress give its imprimatur of approval in advance to any and all such amendments that might be made, and the Congress would have no information or knowledge submitted directly as to the changes in the compact.

Beyond that, if we approve and give consent we will also approve any and all regulations that might be made by the bi-State crime commission in their discretion; and we in a way, therefore, buy a pig in a poke. The rules and regulations to be promulgated by the commission are specifically made part of the compact.

Furthermore, there is no requirement for periodical reports to be submitted to any Federal department, to any Federal official.

I said that I would not object and I shall not; but I serve notice that as a member of the Committee on the Judiciary, in the not far distant future I will demand that the officials of the bi-State crime commission shall periodically render some sort of report to the Congress of the United States as to their activities. That is the least I can do to prevent excess and abuse of power.

I would object were it not for the fact that there is urgency for the passage of this bistate compact to set up this bistate crime commission. Conditions along our waterfront are bad and cry for remedy. The Bistate Commission may be the answer.

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

Mr. CELLER. I yield.

Mr. KEATING. I want to express my appreciation to the gentleman from New York for not objecting to the passage of this bill on the calendar at this time. It is urgent, as the gentleman knows.

I realize that it is entirely appropriate to raise any such questions as the gentleman may have raised, and I am appreciative of his withdrawing any opposition which he might have felt to the bill.

Mr. CELLER. Does not the gentleman think also that we ought to examine more minutely into these State compacts, particularly the past State compacts which we approved?

We know nothing of their operations. In particular, I have in mind the consent that we gave to set up the Port of New York Authority many years ago, and which authority was to devise better methods of transportation in the port of New York; yet we find that representatives of the Port of New York Authority are wandering all over the country encouraging shipping to go to the port of New York. They are in ports like Philadelphia and New Orleans seeking to divert trade from those ports to New York. It was never the purpose when we set up the port authority to give that kind of power to the port authority. What are Members of Congress from those areas going to say when the port authority seeks to divert traffic from those other ports to the port of New York? I think it is baneful to have members of the port authority or their representatives all over the United States seeking to attract trade to the port of New York. That was not the purpose of the compact. So I think it is important for this Congress to devise some ways and means whereby we can exercise some sort of supervision concerning activities under these numerous State compacts, which we have approved. Many of these authorities we have consented to undoubtedly have gotten off the beam of their allotted powers.

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

Mr. CELLER. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Of course, our concern in matters of this sort is whether or not the agreements entered into by the States, after solemn action by the legislative bodies, are constitutional. This compact contains things which I think are objectionable, but, after all, so long as the objective is legitimate and within the Constitution of the United States we cannot properly object to the adoption of this compact. An unusual situation exists on the waterfront in New York and it must be dealt with in this unusual fashion. I trust that this compact will be approved now.

Mr. CELLER. Supplementing what the gentleman said, I do not agree that we are limited to examination as to constitutionality. Our scrutiny must go beyond that. It is true that the compact is the work of two sovereign States through their legislatures, but our Federal Constitution says that there cannot be effectuated State compacts without the consent of the United States Congress.

What does that consent mean? It does not mean that we are rubber stamps; that our consent should be a hollow consent. It is incumbent upon us, indeed, to examine—not necessarily as minutely as some might wish—the details of the compact, but at least to screen and evaluate fairly, deeply, and expansively. If it contains irregularities, illegalities, or unconstitutional provisions—provisions that offend Federal or State constitutions, State or Federal laws—it is our solemn duty—and I am sure the Founding Fathers wanted it to be our solemn duty—to so screen and examine as to weed out, if possible, such irregularities, illegalities, and the unconstitutional provisions or portions that offend against our laws.

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

Mr. CELLER. I yield to the gentleman from New Jersey.

Mr. HART. I would like to state that if I could receive assurance there would be another call of the calendar I would be disposed to ask that this go over at the present time without prejudice; however, like the gentleman from New York, I realize its urgency. I do have in mind an amendment to the bill which at this time I am not certain would be constitutional; however, I hope that if this bill should pass today, in the future if an amendment might be offered and it is constitutional, that it will be given due consideration in order to meet this situation which, as it stands now, is something more than a mere compact. It is a big patronage grab on the part of the governors of two States.

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

Mr. CELLER. I yield to the gentleman from New York.

Mr. JAVITS. I appreciate very much the fact that the gentleman is not going to object and feel he is exercising a statesmanlike attitude by not doing so. I appreciate all of the qualms and reservations he has in mind and I appreciate the thought he has given to this matter.

The only thing that has not been said that needs to be said is that this measure does not provide for a crime commission or an authority. It deals with a specific situation that exists upon our docks in New York which is of the most serious character. I think the gentleman from New York, being a New Yorker of such long standing, is letting that, the dominant situation on the docks, guide him more than anything else.

We are deeply concerned here with the question of trade through our greatest port. The evidence before the New York State Crime Commission and the New Jersey Law Enforcement Council upon the basis of which the measures for regulation of the port were adopted by both States and are the subject of the compact before us, is unmistakable and extremely serious to public order. Pilferage, crime generally, corruption, racketeering, nefarious political influence and other evils were disclosed by these hearings. Commerce has been suffering and so too have the shipping companies and others concerned with the port as a business, but the greatest sufferers have been the workers themselves who have been confronted with uncertainty in the ability to earn a living, arbitrary hiring and firing and pressure upon every individual to be a party to the iniquities which beset the port.

Investigation has succeeded investigation since the beginning of Greater New York at the turn of the century and none has resulted in real remedial measures such as are before us now. Under the leadership of Gov. Thomas E. Dewey, of New York, and Gov. Alfred E. Driscoll, of New Jersey, and the high patriotic service rendered by the New York State Crime Commission under the chairmanship of the Honorable Joseph M. Proskauer and the New Jersey Law Enforcement Council under the chairmanship of the Honorable Richard J. Congleton, there has finally been a real result and a real opportunity to establish the whole port situation on an honorable foundation. It is real statesmanship that the regulation to be undertaken of the port will treat it as a unit located in two different States and this is an excellent augury for the success of these measures as well as for the best interests of the port.

Questions have naturally been raised about some features of the proposed regulation. Particularly is this true of employee registration but it has been pointed out that seamen who work in generally the same industry, have for a long time been under the necessity of receiving seamen's papers from the United States Coast Guard and therefore of registering.

Care and solicitude of the rights of the workers gained through collective bargaining has also been assured in the operation of the Employment Information Centers provided for, with a real effort being made to encourage employment on a steady basis of as many dock workers as possible. The point has also been made that the provisions of the regulations with respect to those with records involving a serious crime should nevertheless give opportunity for the constructive rehabilitation which is the pride of our social system. Also care has been taken to provide for constant oversight on the operations of the proposed Waterfront Commission of New York Harbor so that at all times there will be progress toward normal business operation and employer-employee relations in the port of New York with a minimum of governmental control or intervention.

This is a real landmark in the history of our national trade and commerce and of the port of New York and it is most constructive that the Congress shall have a part in bringing it about through approving this compact between the great States of New York and New Jersey.

Mr. CELLER. Before the House Judiciary Committee I pointed out some of the most unusual if not unconstitutional clauses of the compact, particularly against our New York State constitution. I was accused of effrontery by some for doing this. I was criticized for trying to delay consideration. The chairman of the State Crime Commission of New York, former Judge Proskauer, said before the committee that I was dealing in peccadillos. Indeed the faults I uncovered are quite serious, not petty.

I forgive the chairman, a venerable retired jurist. Also he is a good friend of mine. But my friendship does not blind me to the unfairness of his criticism of me. Despite good intentions he is often huffy and testy. This is his reputation. He acts sometimes as a spoiled old child that always wants his way and brooks no opposition. I repeat, we forgive his intemperate remarks. We blame it upon misguided enthusiasm. His cause and the cause behind this com-

pact is worthy. I want to be practical. I shall not object. I do not wish to delay the setting up of the bi-State crime commission. My observations in derogation of the compact, I am confident, will be reflected eventually in court decisions which will split wide open this compact. The courts will finally justify my contention that be the end ever so justifiable and excellent, the end does not justify all means to that end.

The gentleman admits that we are seeking a temporary remedy for an emergency, but the compact has no termination date? It goes on forever.

Mr. JAVITS. Of course, compacts do not, as I understand, have termination dates, but I think the gentleman has now figured in his own mind exactly how he would deal with the situation, and I am commending him that he is yielding to the exigencies which we all recognize.

Mr. CELLER. Yes, I am.

Mr. JAVITS. I thank the gentleman.

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

Mr. CELLER. I yield to the gentleman from New Jersey.

Mr. SIEMINSKI. I was going to object as strenuously as the gentleman from New York.

Mr. CELLER. I did not object strenuously, but I simply pointed out irregularities that might well give us pause.

Mr. SIEMINSKI. Knowing the facts as the gentleman from New York knows them, and as all in the area involved know them, one year ago I asked that this authority be dissolved until it put its house in order.

This bill seeks to wipe out a $35 million annual shakedown in the Port of New York Authority area.

Mr. JAVITS. The gentleman is speaking of the port authority, not this authority.

Mr. SIEMINSKI. This bill addresses itself to a condition that exists, according to reports, in the Port of New York Authority area now. A $35 million annual shakedown has gone to racketeers, so it is said. It seems to me strange that business interests in America have knuckled under to this extent in violation of free and fair trade practices, only to make the consumer the ultimate goat. If business interests stopped the payoff, seemingly there would be no problem, and therefore no need for this second authority. But business says its cargo would freeze, be static, and unloaded, hence it must pay off or lose its business and port authority payrolls and commerce would vanish, going to other ports. What a shakedown. Thirty-five million dollars.

So this bi-State compact is trotted out for congressional approval. It, in effect, says local governments are unable to do the job. It took the Federal Government to wipe out Al Capone and maybe that is the case here, on a bi-State basis; and what happens when the shakedown is ended? No termination date on this authority?

Are we unwittingly being asked to approve and set in motion a pattern of labor conscription alien to America, alien to the right of men to organize, independent of Government approval, to win their daily bread on fair terms? Will this compact duplicate for labor the food-ration-card system used by the totalitarians abroad?

The objectives the bill seeks to attain are eminent, as the gentleman from Pennsylvania [Mr. WALTER] inferred. But what has distinguished Americans from others, American enterprise and American Government from others, is precisely the way we do things, the way we accomplish our objectives and not the mere accomplishment of an objective. Else, why all this talk about the American way of life? The last war told us the American way was better than the dictators' way. The blood shed in all of our wars has been for a way distinctively American, we hope.

The question is, will approval of this bill enable the States of New Jersey and New York to wipe out the $35 million annual shakedown? We hope so.

But we hope, too, in so doing, that the police state with conscription of labor does not engulf our land. There is a cloud on the horizon, no bigger than a man's hand. On guard America, on guard.

And as for the Port of New York Authority, where was it in law enforcement, with an $8 million profit in 1951? What did it do to ease this shakedown?

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, the gentleman from New York [Mr. KEATING] already has given a comprehensive and lucid summary of the basic position of those of us who favor prompt congressional consent to the Waterfront Commission Compact, entered into by the States of New Jersey and New York. We have already heard expressions of opinion from some who disapprove of this compact, but I cannot feel that their doubts can withstand the overwhelming arguments favoring approval by Congress.

As one of the sponsors of legislation approving this interstate agreement, I should like to point out that it was endorsed in the other body by Senators SMITH and HENDRICKSON, and the bill which we are now considering has already passed the Senate. It is considered urgently needed by a number of my New Jersey colleagues in the House, and has been strongly supported by our Governor, Alfred Driscoll, and will be welcomed by thousands of citizens in my State. Only by a bi-State agency such as is now being proposed can the shocking conditions along the waterfront be effectively alleviated.

In New Jersey the Department of Law and Public Safety some years ago assigned Gen. Norman Schwarzkopf to coordinate the various investigations which developed on our side of the New York Harbor. The Hudson County grand jury also conducted an inquiry into waterfront conditions, making an initial presentment on December 5, 1952, and another in May of this year. The New Jersey Law Enforcement Council also has cooperated closely with the New York Crime Commission. One result of these investigations was a strong recommendation that this compact be set up promptly.

The notorious conditions in our country's greatest port have existed for many years. As Governor Driscoll has pointed out, "Conventional" methods of law enforcement are inadequate to cope with this situation. The only reasonable alternative appears to be this bi-State commission.

In conclusion, I would like to point out that all that is sought here is approval by Congress of an agreement entered into by two States. As you know the Constitution, in article I, section 10, provides that "No State shall enter into any treaty, alliance, or confederation." To make this compact effective it is necessary to get congressional approval. If this could not be secured, the two States would have no reasonably effective method by which to clean up a situation which is presently a national disgrace.

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

Mr. CELLER. I yield to the gentleman from New York.

Mr. KEATING. Mr. Speaker, this very important measure would grant the consent of the Congress under article I, section 10 of the Constitution to an interstate compact between the State of New York and the State of New Jersey. Under this compact, a waterfront commission of New York Harbor would be established comprised of 2 members, 1 from each State, appointed by the governor by and with the advice and consent of the State senate. The commission would be vested with certain authority and charged with certain duties as enumerated in the compact. The purpose of the commission would be to perform a number of licensing functions with respect to those in key positions on the waterfront, such as pier superintendents, hiring agents, and port watchmen, in order to free the port district of New York Harbor from its present shameful rule by gangsters, hoodlums, and thugs.

This compact is the result of careful and thorough investigations and studies, conducted not only by the States of New York and New Jersey but by the Congress as well. All of these investigations disclosed waterfront conditions in the port of New York Harbor which shocked the good conscience of the entire Nation and aroused in the citizens of New York and New Jersey a solid determination that the evils and corruption contaminating the port must be stamped out.

Lest it be suggested that the approval of this compact is hasty legislation, let me indicate to you the extent to which the proposal to establish a bi-State agency pursuant to an interstate compact was prefaced by careful and considered investigation, study, and analysis. On November 21, 1951, Gov. Thomas E. Dewey, of New York, directed the New York State Crime Commission to conduct a sweeping investigation of waterfront conditions in the port of New York. This commission, meeting in executive session, examined over 700 witnesses, held approximately 1,000 hearings, took over 30,000 pages of printed testimony,

and conducted more than 4,000 interviews. Books and records of steamship companies, stevedoring companies, union locals, public loaders, trucking companies, and individuals were carefully and thoroughly scrutinized. Public hearings were also conducted by the commission which, when printed, comprised five volumes of testimony.

In the State of New Jersey, the Hudson County grand jury completed a thorough investigation of the rackets which prevailed in the waterfronts of that important county.

In Congress, the Special Senate Committee To Investigate Organized Crime investigated criminal syndicates and rackets throughout the country during the 81st and 82d Congresses and touched briefly upon the periphery of these problems as they affected the port of New York.

In the present Congress, a subcommittee of the Senate Interstate and Foreign Commerce Committee, under the inspired leadership of the late Senator from New Hampshire, the Honorable Charles W. Tobey, conducted an intensive investigation of waterfront conditions in the port area of New York and New Jersey. More than 50 witnesses were heard during the 15 days of open hearings and 6 days of executive hearings held by that subcommittee of the Congress.

The findings of all of these separate inquiries were unanimous in their agreement that the situation existing on the docks of New York and New Jersey was a public disgrace to the people of the entire Nation as well as the States involved. As a citizen and Representative of the State of New York, I am ashamed on behalf of my fellow citizens that these scandalous conditions have been allowed to continue. I am embarrassed that it has been necessary to emblazon the sordid operations of the New York waterfront on the front pages of newspapers throughout the Nation.

Mr. Speaker, let me tell you some of the conclusions reached by these investigatory bodies. Let me refer first to the report of the subcommittee headed by the late Senator Tobey—whose sudden death 2 days after he appeared before our committee in support of this legislation, is indeed a great and tragic loss to the people of this country and to both Houses of Congress. I wish all of the Members could have heard Senator Tobey, in almost his last official words before the Congress, describe with characteristic eloquence and force the basic findings of his committee and the need for prompt congressional approval of this compact.

The report of his committee cited the port of the city of New York—one of the greatest cities in the world—as "a horrible example" of waterfront conditions throughout the Nation. Here is a port with one of the largest and finest harbors in the world and recognized as the ocean gateway of the country and a great rail junction, which is nevertheless a sick port whose contagion has contaminated all segments of the maritime industry with which it has come in contact. Its waterfront is infested with gangsters, mobsters, racketeers, thieves, and unsavory characters with lengthy criminal records. Gambling, trafficking in narcotics, loansharking, and criminal violence are rife. Organized thieving of valuable cargo deters the use of the port by shippers.

The practice of the shapeup has led to unstable and vicious working conditions. Political graft and corruption are closely linked with waterfront activities. The apathy of the operators, combined with gangster control and infiltration of labor unions, has permitted this pollution of the waterfront to fester in the Nation for more than a quarter of a century.

The New York State Crime Commission, set up under Governor Dewey, found waterfront conditions so bad that the position of the port of New York in the national economy had been seriously imperiled. Shocking conditions exist in the steamship and stevedoring industry, such as improper payments to union officials by stevedoring industry, such as improper payments to union officials by stevedoring companies, and corrupt payments to representatives of steamship companies by stevedores. The International Longshoremen's Association—ILA—has exploited the workers and the public alike, and Joseph P. Ryan, its president, and other ILA organizers are totally unfit for their offices in positions of trust in the unions. Known criminals control many important ILA locals in key waterfront areas. Control of the ILA by this criminal element has resulted in abetting crime and in shocking instances of extortion. Corrupt labor leaders have used their offices of trust to promote their own private business enterprises which were often illegal.

Vicious labor practices, such as the shapeup system, not only have led to unstable labor conditions but also have resulted in forcing upon employers excriminal hiring foremen. The public loading racket constitutes a serious drain upon the economy of the port.

Mr. Speaker, I have here highlighted only some of the flagrant abuses and unsavory conditions which these governmental agencies uncovered in their investigation of the New York and New Jersey waterfronts. I refer to the records of these official bodies for complete substantiation. But I think I have given enough of the high spots to impress upon the House the prompt need for remedial action.

There is no pretense that this compact is the ultimate or only solution to this problem. But it is a sound step in the right direction. It has received widespread endorsement from all sources. The grand jury investigating the murder of Nunzio Aluotto in Hudson County, N. J., recommended the establishment of a bistate commission in its presentment handed down December 5, 1952.

The legislation relating to the compact passed the Legislature of the State of New York without a dissenting vote and with only a single dissenting vote in the Legislature of the State of New Jersey. Senator Tobey's committee specifically endorsed the plan, and the instant measure passed the Senate without one voice raised in opposition. And, lastly, our Committee on the Judiciary was in unanimous agreement in reporting this measure to the floor.

During the course of hearings, the compact has received endorsement from many of the leading civic associations of the city and State of New York.

Mr. Speaker, it is to be regretted that the only apparent solution to this deplorable situation requires the establishment of a new bistate commission. I can assure the Members that were it not for the demonstrated need to take such drastic measures effectively to cope with these wretched conditions, some other and more acceptable solution would be found. But to all who have labored so long and earnestly to resolve the problem no other plan seems practical.

Governor Dewey said in his message to the New York State Legislature on June 25 of this year:

> The recommendations of the commission called for the creation of a new governmental agency of extraordinary powers. In complete candor, I should note that I was not sympathetic to the creation of any new governmental agency or for the intervention of government regulation in new areas and I earnestly sought other methods for coping with the problem * * * without this legislation there appears to be no hope that the cancerous conditions will be cured.

One last point, Mr. Speaker—an extremely important one. I wish most forcibly to emphasize that this measure is not in the slightest degree a bill which is antilabor. By far the vast majority of the labor union members of waterfront unions are law-abiding, hard-working citizens who are trying to derive an honest living in the face of conditions which would painfully discourage men of even the most stouthearted and persevering character. As the Hudson grand jury concluded in its presentment:

> We are convinced that the rank and file of the longshoremen and checkers are honest, upright, decent, and hardworking members of the community. The same, however, cannot be said about the officials of the International Longshoremen's Association. * * * We found from testimony by qualified and decent labor leaders that the International Longshoremen's Association is not a union in the accepted sense of its designation.

The longshoremen, gentlemen, are the prime victims of the crimes, rackets, and syndicates which presently flourish on the city docks. They will be the first to benefit from the banishment of this sordid situation. Responsible labor leaders recognize this.

Upon the conclusion of the New York Crime Commission's proceedings, Mr. George Meany, president of the American Federation of Labor, addressed an ultimatum on February 3, 1953, to Mr. Ryan of the International Longshoremen's Association demanding that the mess be cleaned up. I am sure Mr. Meany's position represents the sentiments of all responsible union officials and members, and I wish to commend him publicly for his courageous, forthright and sound position and action in this matter. Mr. Meany wrote Ryan on February 3, and I quote from the directive:

> We have concluded that these disclosures are of such a serious nature as to call for immediate action by us. We wish to make clear the position of the American Federation of Labor on crime and racketeering

within your international and its local unions.

Your relationship with the AFL demands that the democratic ideals, clean and wholesome free-trade unionism must be immediately restored within your organization and all semblance of crime, dishonesty, and racketeering be forthwith eliminated.

Reported practices of international and local union officers accepting gifts and bribes from employers and the appointment of representatives with criminal records is denounced and those persons guilty of these practices must be forthwith removed from office and eliminated from your organization. * * *

The executive council will expect a report from you advising that the above recommendations have been and will be complied with on or before April 30, 1953.

But Mr. Meany's order was actually ignored by the ILA. When questioned by Senator Tobey's committee on April 30, the day on which he was ordered to report compliance with the directive, Ryan protested that he had obtained an extension of time from Mr. Meany. And, Mr. Speaker, when queried as to what he had done to conform to the mandate. Ryan had the unmitigated audacity to inform the Congress that he has appointed a study committee—composed of his own henchmen—to investigate the matter. This, gentlemen, on top of 19 months of investigation and disclosure by the New York State Crime Commission, and investigation and reports of the Hudson County grand jury, and two public investigations by the Congress of the United States. What an example of bold defiance to the interests of true labor organization.

As further exemplification of Mr. Ryan's utter disregard for the interest of labor and of his apathy to the sordid working conditions prevailing under his regime, it was brought out by Senator Tobey's investigation that the sham committee constituted by Ryan had never reported its findings—because for over 3 months, Mr. Ryan had deliberately failed to call a meeting of his executive council to receive the report.

This unwholesome mess which constitutes a blight upon the great States of New York and New Jersey must be completely eradicated. The considered judgment of the citizens of the States involved, as recorded in the action of their elected representatives, is that the proposed interstate compact can and will do much toward accomplishing this objective. I am confident that the House, as did the Senate, will applaud and approve that effort by the enactment of this bill.

I want to express my appreciation to the gentleman from New York [Mr. CELLER] for foregoing any disposition which he might otherwise have felt to object to the passage of this measure. I am grateful also to the gentleman from New Jersey [Mr. FREYLINGHUYSEN], who just spoke to us for the help which he rendered in this matter and also to the gentleman from New York [Mr. MILLER], and the gentleman from New York [Mr. TAYLOR]. The gentleman from New York [Mr. LATHAM], and the gentleman from New York [Mr. JAVITS] have also been extremely helpful.

Mr. MILLER of New York. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. MILLER of New York. As I understand, when this bill passed the Senate section 2 was eliminated. It was considered by this committee, and as reported back section 2 is still eliminated from the bill. Will the gentleman explain to the Members of the House the purport and meaning of the elimination of section 2 of the bill as originally requested by the two governors and the legislatures of the two States?

Mr. KEATING. Section 2 is eliminated from both the Senate bill and this bill. That was done at the request of the Department of Labor.

Mr. Speaker, I ask unanimous consent to insert at this point excerpts from a letter from the Secretary of Labor to the chairman of the Judiciary Committee, and also at the conclusion of the remarks made by the gentleman from New York [Mr. CELLER] to revise and extend my remarks.

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

There was no objection.

Mr. KEATING. The excerpts from the letter are as follows:

Section 2 of H. R. 6321 and H. R. 6343 (which is not part of the compact itself) would require the Secretary of Labor from time to time to certify payment to the commission of funds for the operation of the proposed employment information centers, such payments to be made from amounts appropriated by Congress for the administration of the Wagner-Peyser Act (48 Stat. 113).

I would be strongly opposed to any measure of this type establishing a system of public employment offices separate from the present Federal-State employment service and receiving grants from the same source. If the contemplated employment information centers were set up as a separate system, an intensive and extensive training of additional personnel would be necessary, at extra expense.

The establishment of any such additional employment system would be contrary to the terms and purposes of the Wagner-Peyser Act. The act provides for the designation of a single State agency to cooperate with the Secretary of Labor in maintaining a national system of public employment offices through Federal funds. Each State now has a fully functioning employment service receiving funds under the Wagner-Peyser Act and operated in coordination with its unemployment compensation system. In New Jersey this agency is the division of employment, and in New York it is the division of employment, department of labor.

These agencies are qualified and capable of handling the additional employment activities contemplated by these bills, and it is my understanding that the waterfront commission would have authority to enter into agreements with such agencies to perform these functions. These agencies could establish, without the necessity of any additional legislation, separate employment offices exclusively for waterfront occupations but operated as part of the present integrated State employment security program. There is adequate precedent for such offices. For example, the State Division of Employment operates in New York City separate offices for the needle-trade industry, the hotel industry, and the construction industry. Thus, section 2 of the bills is not only inadvisable but unnecessary.

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. WAINWRIGHT. Mr. Speaker, may I join with my colleagues from New York and New Jersey in support of this compact. The New York waterfront situation has been, if anything understated rather than overstated. Crime and corruption are at their worst. This compact would, as I understand it, be a complete correction.

The Governor of New York and the New York Crime Commission are to be congratulated for their courage and determination in tackling this situation. It has existed for far too long a time. Frankly, I am appalled that there should be any opposition. This is corrective legislation at its best.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the compact set forth below to all of its terms and provisions, and to the carrying out and effectuation of said compact, and enactments in furtherance thereof:

THE WATERFRONT COMMISSION COMPACT BETWEEN THE STATES OF NEW YORK AND NEW JERSEY AS AUTHORIZED BY CHAPTER 882 AS AMENDED BY CHAPTER 883 OF THE LAWS OF THE STATE OF NEW YORK OF 1953, AND BY CHAPTER 202 AS AMENDED BY CHAPTER 203 OF THE LAWS OF THE STATE OF NEW JERSEY OF 1953.

ARTICLE I

Findings and declarations

1. The States of New Jersey and New York hereby find and declare that the conditions under which waterfront labor is employed within the port of New York district are depressing and degrading to such labor, resulting from the lack of any systematic method of hiring, the lack of adequate information as to the availability of employment, corrupt hiring practices and the fact that persons conducting such hiring are frequently criminals and persons notoriously lacking in moral character and integrity and neither responsive or responsible to the employers nor to the uncoerced will of the majority of the members of the labor organizations of the employees; that as a result waterfront laborers suffer from irregularity of employment, fear and insecurity, inadequate earnings, an unduly high accident rate, subjection to borrowing at usurious rates of interest, exploitation and extortion as the price of securing employment and a loss of respect for the law; that not only does there result a destruction of the dignity of an important segment of American labor, but a direct encouragement of crime which imposes a levy of greatly increased costs on food, fuel, and other necessaries handled in and through the port of New York district.

2. The States of New Jersey and New York hereby find and declare that many of the evils above described result not only from the causes above described but from the practices of public loaders at piers and other waterfront terminals; that such public loaders serve no valid economic purpose and operate as parasites exacting a high and unwarranted toll on the flow of commerce in and through the port of New York district, and have used force and engaged in discriminatory and coercive practices including extortion against persons not desiring to employ them; and that the function of loading and unloading trucks and other land vehicles at piers and other waterfront terminals can and should be performed, as in

every other major American port, without the evils and abuses of the public loader system, and by the carriers of freight by water, stevedores and operators of such piers and other waterfront terminals or the operators of such trucks or other land vehicles.

3. The States of New Jersey and New York hereby find and declare that many of the evils above described result not only from the causes above described but from the lack of regulation of the occupation of stevedores; that such stevedores have engaged in corrupt practices to induce their hire by carriers of freight by water and to induce officers and representatives of labor organizations to betray their trust to the members of such labor organizations.

4. The States of New Jersey and New York hereby find and declare that the occupations of longshoremen, stevedores, pier superintendents, hiring agents and port watchmen are affected with a public interest requiring their regulation and that such regulation shall be deemed an exercise of the police power of the two States for the protection of the public safety, welfare, prosperity, health, peace and living conditions of the people of the two States.

ARTICLE II

Definitions

As used in this compact:

"The port of New York district" shall mean the district created by article II of the compact dated April 30, 1921, between the States of New York and New Jersey, authorized by chapter 154 of the laws of New York of 1921 and chapter 151 of the laws of New Jersey of 1921.

"Commission" shall mean the waterfront commission of New York harbor established by article III hereof.

"Pier" shall include any wharf, pier, dock, or quay.

"Other waterfront terminal" shall include any warehouse, depot or other terminal (other than a pier) which is located within 1,000 yards of any pier in the Port of New York district and which is used for waterborne freight in whole or substantial part.

"Person" shall mean not only a natural person but also any partnership, joint venture, association, corporation, or any other legal entity but shall not include the United States, any State or territory thereof or any department, division, board, commission, or authority of one or more of the foregoing.

"Carrier of freight by water" shall mean any person who may be engaged or who may hold himself out as willing to be engaged, whether as a common carrier, as a contract carrier or otherwise (except for carriage of liquid cargoes in bulk in tank vessels designed for use exclusively in such service or carriage by barge of bulk cargoes consisting of only a single commodity loaded or carried without wrappers or containers and delivered by the carrier without transportation mark or count) in the carriage of freight by water between any point in the port of New York district and a point outside said district.

"Waterborne freight" shall mean freight carried by or consigned for carriage by carriers of freight by water.

"Longshoreman" shall mean a natural person, other than a hiring agent, who is employed for work at a pier or other waterfront terminal, either by a carrier of freight by water or by a stevedore.

(a) physically to move waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals, or

(b) to engage in direct and immediate checking of any such freight or of the custodial accounting therefor or in the recording or tabulation of the hours worked at piers or other waterfront terminals by natural persons employed by carriers of freight by water or stevedores, or

(c) to supervise directly and immediately others who are employed as in subdivision (a) of this definition.

"Pier superintendent" shall mean any natural person other than a longshoreman who is employed for work at a pier or other waterfront terminal by a carrier of freight by water or a stevedore and whose work at such pier or other waterfront terminal includes the supervision, directly or indirectly, of the work of longshoremen.

"Port watchmen" shall include any watchman, gateman, roundsman, detective, guard, guardian or protector of property employed by the operator of any pier or other waterfront terminal or by a carrier of freight by water to perform services in such capacity on any pier or other waterfront terminal.

"Longshoremen's register" shall mean the register of eligible longshoremen compiled and maintained by the commission pursuant to article VIII.

"Stevedore" shall mean a contractor (not including an employee) engaged for compensation pursuant to a contract or arrangement with a carrier of freight by water, in moving waterborne freight carried or consigned for carriage by such carrier on vessels of such carrier berthed at piers, on piers at which such vessels are berthed or at other waterfront terminals.

"Hiring agent" shall mean any natural person, who on behalf of a carrier of freight by water or a stevedore shall select any longshoreman for employment.

"Compact" shall mean this compact and rules or regulations lawfully promulgated thereunder.

ARTICLE III

Waterfront Commission of New York Harbor

1. There is hereby created the waterfront commission of New York harbor, which shall be a body corporate and politic, an instrumentality of the States of New York and New Jersey.

2. The commission shall consist of two members, one to be chosen by the State of New Jersey and one to be chosen by the State of New York. The member representing each State shall be appointed by the Governor of such State with the advice and consent of the senate thereof without regard to the State of residence of such member, and shall receive compensation to be fixed by the Governor of such State. The term of office of each member shall be for 3 years; *provided, however,* that the members first appointed shall be appointed for a term to expire June 30, 1956. Each member shall hold office until his successor has been appointed and qualified. Vacancies in office shall be filled for the balance of the unexpired term in the same manner as original appointments.

3. The commission shall act only by unanimous vote of both members thereof. Any member may, by written instrument filed in the office of the commission, designate any officer or employee of the commission to act in his place as a member whenever he shall be unable to attend a meeting of the commission. A vacancy in the office of a member shall not impair such designation until the vacancy shall have been filed.

ARTICLE IV

General powers of commission

In addition to the powers and duties elsewhere prescribed in this compact, the Commission shall have the power:

1. To sue and be sued;

2. To have a seal and alter the same at pleasure;

3. To acquire, hold, and dispose of real and personal property by gift, purchase, lease, license, or other similar manner, for its corporate purposes;

4. To determine the location, size, and suitability of accommodations necessary and desirable for the establishment and maintenance of the employment information centers provided in article XII hereof and for administrative offices for the commission;

5. To appoint such officers, agents, and employees as it may deem necessary, prescribe their powers, duties, and qualifications and fix their compensation and retain and employ counsel and private consultants on a contract basis or otherwise;

6. To administer and enforce the provisions of this compact;

7. To make and enforce such rules and regulations as the commission may deem necessary to effectuate the purposes of this compact or to prevent the circumvention or evasion thereof, to be effective upon publication in the manner which the Commission shall prescribe and upon filing in the office of the Secretary of State of each State. A certified copy of any such rules and regulations, attested as true and correct by the commission, shall be presumptive evidence of the regular making, adoption, approval and publication thereof;

8. By its members and its properly designated officers, agents, and employees, to administer oaths and issue subpoenas throughout both States to compel the attendance of witnesses and the giving of testimony and the production of other evidence;

9. To have for its members and its properly designated officers, agents, and employees, full and free access, ingress, and egress to and from all vessels, piers, and other waterfront terminals or other places in the port of New York district, for the purposes of making inspection or enforcing the provisions of this compact; and no person shall obstruct or in any way interfere with any such member, officer, employee or agent in the making of such inspection, or in the enforcement of the provisions of this compact or in the performance of any other power or duty under this compact;

10. To recover possession of any suspended or revoked license issued under this compact;

11. To make investigations, collect, and compile information concerning waterfront practices generally within the port of New York district and upon all matters relating to the accomplishment of the objectives of this compact;

12. To advise and consult with representatives of labor and industry and with public officials and agencies concerned with the effectuation of the purposes of this compact, upon all matters which the commission may desire, including but not limited to the form and substance of rules and regulations, the administration of the compact, maintenance of the longshoremen's register, and issuance and revocation of licenses;

13. To make annual and other reports to the governors and legislatures of both States containing recommendations for the improvement of the conditions of waterfront labor within the port of New York district, for the alleviation of the evils described in article I and for the effectuation of the purposes of this compact. Such annual reports shall state the commission's finding and determination as to whether the public necessity still exists for (a) the continued registration of longshoremen, (b) the continued licensing of any occupation or employment required to be licensed hereunder and (c) the continued public operation of the employment information centers provided for in article XII;

14. To cooperate with and receive from any department, division, bureau, board, commission, or agency of either or both States, or of any county or municipality thereof, such assistance and data as will enable it properly to carry out its powers and duties hereunder, and to request any such department, division, bureau, board, commission, or agency, with the consent thereof, to execute such of its functions and powers, as the public interest may require.

The powers and duties of the commission may be exercised by officers, employees, and agents designated by them, except the power to make rules and regulations. The commission shall have such additional powers and duties as may hereafter be delegated to

or imposed upon it from time to time by the action of the legislature of either State concurred in by the legislature of the other.

ARTICLE V

Pier superintendents and hiring agents

1. On or after the first day of December, 1953, no person shall act as a pier superintendent or as a hiring agent within the port of New York district without first having obtained from the commission a license to act as such pier superintendent or hiring agent, as the case may be, and no person shall employ or engage another person to act as a pier superintendent or hiring agent who is not so licensed.

2. A license to act as a pier superintendent or hiring agent shall be issued only upon the written application, under oath, of the person proposing to employ or engage another person to act as such pier superintendent or hiring agent, verified by the prospective licensee as to the matters concerning him, and shall state the following:

(a) The full name and business address of the applicant;

(b) The full name, residence, business address (if any), place and date of birth and social security number of the prospective licensee;

(c) The present and previous occupations of the prospective licensee, including the places where he was employed and the names of his employers;

(d) Such further facts and evidence as may be required by the commission to ascertain the character, integrity and identity of the prospective licensee; and

(e) That if a license is issued to the prospective licensee, the applicant will employ such licensee as pier superintendent or hiring agent, as the case may be.

3. No such license shall be granted

(a) Unless the commission shall be satisfied that the prospective licensee possesses good character and integrity;

(b) If the prospective licensee has, without subsequent pardon, been convicted by a court of the United States, or any State or territory thereof, of the commission of, or the attempt or conspiracy to commit treason, murder, manslaughter or any felony or high misdemeanor or any of the following misdemeanors or offenses: illegally using, carrying or possessing a pistol or other dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding an escape from prison; unlawfully possessing or distributing habit-forming narcotic drugs; and violation of this compact. Any such prospective licensee ineligible for a license by reason of any such conviction may submit satisfactory evidence to the commission that he has for a period of not less than 5 years, measured as hereinafter provided, and up to the time of application, so conducted himself as to warrant the grant of such license, in which event the commission may, in its discretion, issue an order removing such ineligibility. The aforesaid period of 5 years shall be measured either from the date of payment of any fine imposed upon such person or the suspension of sentence or from the date of his unrevoked release from custody by parole, commutation or termination of his sentence;

(c) If the prospective licensee knowingly or wilfully advocates the desirability of overthrowing or destroying the Government of the United States by force or violence or shall be a member of a group which advocates such desirability, knowing the purposes of such group include such advocacy.

4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the prospective licensee possesses the qualifications and requirements prescribed in this article, the commission shall issue and deliver to the prospective licensee a license to act as pier superintendent or hiring agent for the applicant, as the case may be, and shall inform the applicant of his action. The commission may issue a temporary permit to any prospective licensee for a license under the provisions of this article pending final action on an application made for such a license. Any such permit shall be valid for a period not in excess of 30 days.

5. No person shall be licensed to act as a pier superintendent or hiring agent for more than one employer, except at a single pier or other waterfront terminal, but nothing in this article shall be construed to limit in any way the number of pier superintendents or hiring agents any employer may employ.

6. A license granted pursuant to this article shall continue through the duration of the licensee's employment by the employer who shall have applied for his license.

7. Any license issued pursuant to this article may be revoked or suspended for such period as the commission deems in the public interest or the licensee thereunder may be reprimanded for any of the following offenses:

(a) Conviction of a crime or act by the licensee or other cause which would require or permit his disqualification from receiving a license upon original application;

(b) Fraud, deceit or misrepresentation in securing the license, or in the conduct of the licensed activity;

(c) Violation of any of the provisions of this compact;

(d) Addiction to the use of or trafficking in morphine, opium, cocaine or other narcotic drug;

(e) Employing, hiring or procuring any person in violation of this compact or inducing or otherwise aiding or abetting any person to violate the terms of this compact;

(f) Paying, giving, causing to be paid or given or offering to pay or give to any person any valuable consideration to induce such other person to violate any provision of this compact or to induce any public officer, agent or employee to fail to perform his duty hereunder;

(g) Consorting with known criminals for an unlawful purpose;

(h) Transfer or surrender of possession of the license to any person either temporarily or pemanently without satisfactory explanation;

(i) False impersonation of another licensee under this compact;

(j) Receipt or solicitation of anything of value from any person other than the licensee's employer as consideration for the selection or retention for employment of any longshoreman;

(k) Coercion of a longshoreman by threat of discrimination or violence or economic reprisal, to make purchases from or to utilize the services of any person;

(l) Lending any money to or borrowing any money from a longshoreman for which there is a change of interest or other consideration; and

(m) Membership in a labor organization which represents longshoremen or port watchmen; but nothing in this section shall be deemed to prohibit pier superintendents or hiring agents from being represented by a labor organization or organizations which do not also represent longshoremen or port watchmen. The American Federation of Labor, the Congress of Industrial Organizations and any other similar federation, congress or other organization of national or international occupational or industrial labor organizations shall not be considered an organization which represents longshoremen or port watchmen within the meaning of this section although one of the federated or constituent labor organizations thereof may represent longshoremen or port watchmen.

ARTICLE VI

Stevedores

1. On or after the 1st day of December 1953, no person shall act as a stevedore within the port of New York district without having first obtained a license from the commission, and no person shall employ a stevedore to perform services as such within the port of New York district unless the stevedore is so licensed.

2. Any person intending to act as a stevedore within the port of New York district shall file in the office of the commission a written application for a license to engage in such occupation, duly signed and verified as follows:

(a) If the applicant is a natural person, the application shall be signed and verified by such person and if the applicant is a partnership, the application shall be signed and verified by each natural person composing or intending to compose such partnership. The application shall state the full name, age, residence, business address (if any), present and previous occupations of each natural person so signing the same, and any other facts and evidence as may be required by the commission to ascertain the character, integrity, and identity of each natural person so signing such application.

(b) If the applicant is a corporation, the application shall be signed and verified by the president, secretary and treasurer thereof, and shall specify the name of the corporation, the date and place of its incorporation, the location of its principal place of business, the names and addresses of, and the amount of the stock held by stockholders owning 5 percent or more of any of the stock thereof, and of all officers (including all members of the board of directors). The requirements of subdivision (a) of this section as to a natural person who is a member of a partnership, and such requirements as may be specified in rules and regulations promulgated by the commission, shall apply to each such officer or stockholder and their successors in office or interest as the case may be.

In the event of the death, resignation or removal of any officer, and in the event of any change in the list of stockholders who shall own 5 percent or more of the stock of the corporation, the secretary of such corporation shall forthwith give notice of that fact in writing to the commission, certified by said secretary.

3. No such license shall be granted—

(a) If any person whose signature or name appears in the application is not the real party in interest required by section 2 of this article to sign or to be identified in the application or if the person so signing or named in the application is an undisclosed agent or trustee for any such real party in interest;

(b) Unless the commission shall be satisfied that the applicant and all members, officers, and stockholders required by section 2 of this article to sign or be identified in the application for license possess good character and integrity;

(c) Unless the applicant is either a natural person, partnership, or corporation;

(d) Unless the applicant shall be a party to a contract then in force or which will take effect upon the issuance of a license, with a carrier of freight by water for the loading and unloading by the applicant of one or more vessels of such carrier at a pier within the port of New York district;

(e) If the applicant or any member, officer, or stockholder required by section 2 of this article to sign or be identified in the application for license has, without subsequent pardon, been convicted by a court of the United States or any State or territory thereof of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter or any felony or high misdemeanor or any of the misdemeanors or offenses described in subdivision (b) of section 3 of article V. Any applicant ineligible for a license by reason of any such conviction may submit satisfactory evidence to the commission that the person whose conviction was the basis of ineligibility has for a period

of not less than 5 years, measured as hereinafter provided and up to the time of application, so conducted himself as to warrant the grant of such license, in which event the commission may, in its discretion, issue an order removing such ineligibility. The aforesaid period of 5 years shall be measured either from the date of payment of any fine imposed upon such person or the suspension of sentence or from the date of his unrevoked release from custody by parole, commutation, or termination of his sentence;

(f) If, on or after July 1, 1953, the applicant has paid, given, caused to have been paid or given or offered to pay or give to any officer or employee of any carrier of freight by water any valuable consideration for an improper or unlawful purpose or to induce such person to procure the employment of the applicant by such carrier for the performance of stevedoring services;

(g) If, on or after July 1, 1953, the applicant has paid, given, caused to be paid or given or offered to pay or give to any officer or representative of a labor organization any valuable consideration for an improper or unlawful purpose or to induce such officer or representative to subordinate the interests of such labor organization or its members in the management of the affairs of such labor organization to the interests of the applicant.

4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed in this article, the commission shall issue and deliver a license to such applicant. The commission may issue a temporary permit to any applicant for a license under the provisions of this article pending final action on an application made for such a license. Any such permit shall be valid for a period not in excess of 30 days.

5. A license granted pursuant to this article shall be for a term of 2 years or fraction of such 2-year period, and shall expire on the first day of December of each odd numbered year. In the event of the death of the licensee, if a natural person, or its termination or dissolution by reason of the death of a partner, if a partnership, or if the licensee shall cease to be a party to any contract of the type required by subdivision (d) of section 3 of this article, the license shall terminate 90 days after such event or upon its expiration date, whichever shall be sooner. A license may be renewed by the commission for successive 2-year periods upon fulfilling the same requirements as are set forth in this article for an original application.

6. Any license issued pursuant to this article may be revoked or suspended for such period as the commission deems in the public interest or the licensee thereunder may be reprimanded for any of the following offenses on the part of the licensee or of any person required by section 2 of this article to sign or be identified in an original application for a license:

(a) Conviction of a crime or other cause which would permit or require disqualification of the licensee from receiving a license upon original application;

(b) Fraud, deceit or misrepresentation in securing the license or in the conduct of the licensed activity;

(c) Failure by the licensee to maintain a complete set of books and records containing a true and accurate account of the licensee's receipts and disbursements arising out of his activities within the port of New York district;

(d) Failure to keep said books and records available during business hours for inspection by the commission and its duly designated representatives until the expiration of the fifth calendar year following the calendar year during which occurred the transactions recorded therein;

(e) Any other offense described in subdivisions (c) to (i) inclusive, of section 7 of article V.

ARTICLE VII

Prohibition of public loading

1. The States of New Jersey and New York hereby find and declare that the transfer of cargo to and from trucks at piers and other waterfront terminals in the port of New York district has resulted in vicious and notorious abuses by persons commonly known as "public loaders." There is compelling evidence that such persons have exacted the payment of exorbitant charges for their services, real and alleged, and otherwise extorted large sums through force, threats of violence, unauthorized labor disturbances and other coercive activities, and that they have been responsible for and abetted criminal activities on the waterfront. These practices which have developed in the port of New York district impose unjustified costs on the handling of goods in and through the port of New York district, and increase the prices paid by consumers for food, fuel, and other necessaries, and impair the economic stability of the port of New York district. It is the sense of the Legislatures of the States of New York and New Jersey that these practices and conditions must be eliminated to prevent grave injury to the welfare of the people.

2. It is hereby declared to be against the public policy of the States of New Jersey and New York and to be unlawful for any person to load or unload waterborne freight onto or from vehicles other than railroad cars at piers or at other waterfront terminals within the port of New York district, for a fee or other compensation, other than the following persons and their employees:

(a) Carriers of freight by water, but only at piers at which their vessels are berthed;

(b) Other carriers of freight (including but not limited to railroads and truckers), but only in connection with freight transported or to be transported by such carriers;

(c) Operators of piers or other waterfront terminals (including railroads, truck terminal operators, warehousemen and other persons), but only at piers or other waterfront terminals operated by them;

(d) Shippers or consignees of freight, but only in connection with freight shipped by such shipper or consigned to such consignee;

(e) Stevedores licenses under article VI, whether or not such waterborne freight has been or is to be transported by a carrier of freight by water with which such stevedore shall have a contract of the type prescribed by subdivision (d) of section 3 of article VI.

Nothing herein contained shall be deemed to permit any such loading or unloading of any waterborne freight at any place by any such person by means of any independent contractor, or any other agent other than an employee, unless such independent contractor is a person permitted by this article to load or unload such freight at such place in his own right.

ARTICLE VIII

Longshoremen

1. The commission shall establish a longshoremen's register in which shall be included all qualified longshoremen eligible, as hereinafter provided, for employment as such in the port of New York district. On or after the first day of December 1953 no person shall act as a longshoreman within the port of New York district unless at the time he is included in the longshoremen's register, and no person shall employ another to work as a longshoreman within the port of New York district unless at the time such other person is included in the longshoremen's register.

2. Any person applying for inclusion in the longshoremen's register shall file at such place and in such manner as the commission shall designate a written statement, signed and verified by such person, setting forth his full name, residence address, social-security number, and such further facts and evidence as the commission may prescribe to establish the identity of such person and his criminal record, if any.

3. The commission may in its discretion deny application for inclusion in the longshoremen's register by a person—

(a) Who has been convicted by a court of the United States or any State or Territory thereof, without subsequent pardon, of treason, murder, manslaughter, or of any felony or high misdemeanor, or of any of the misdemanors or offenses described in subdivision (b) of section 3 of article V or of attempt or conspiracy to commit any of such crimes;

(b) Who knowingly or willingly advocates the desirability of overthrowing or destroying the Government of the United States by force or violence or who shall be a member of a group which advocates such desirability knowing the purposes of such group includes such advocacy;

(c) Whose presence at the piers or other waterfront terminals in the port of New York district is found by the commission on the basis of the facts and evidence before it, to constitute a danger to the public peace or safety.

4. Unless the commission shall determine to exclude the applicant from the longshoremen's register on a ground set forth in section 3 of this article it shall include such person in the longshoremen's register. The commission may permit temporary registration of any applicant under the provisions of this article pending final action on an application made for such registration. Any such temporary registration shall be valid for a period not in excess of 30 days.

5. The commission shall have power to reprimand any longshoreman registered under this article or to remove him from the longshoremen's register for such period of time as it deems in the public interest for any of the following offenses:

(a) Conviction of a crime or other cause which would permit disqualification of such person from inclusion in the longshoremen's register upon original application;

(b) Fraud, deceit or misrepresentation in securing inclusion in the longshoremen's register;

(c) Transfer or surrender of possession to any person either temporarily or permanently of any card or other means of identification issued by the commission as evidence of inclusion in the longshoremen's register, without satisfactory explanation;

(d) False impersonation of another longshoreman registered under this article or of another person licensed under this compact;

(e) Wilful commission of or wilful attempt to commit at or on a waterfront terminal or adjacent highway any act of physical injury to any other person or of wilful damage to or misappropriation of any other person's property, unless justified or excused by law; and

(f) Any other offense described in subdivisions (c) to (f) inclusive of section 7 of article V.

6. The commission shall have the right to recover possession of any card or other means of identification issued as evidence of inclusion in the longshoremen's register in the event that the holder thereof has been removed from the longshoremen's register.

7. Nothing contained in this article shall be construed to limit in any way any rights of labor reserved by article XV.

ARTICLE IX

Regularization of longshoremen's employment

1. On or after the first day of December 1954, the commission shall, at regular intervals, remove from the longshoremen's register any person who shall have been registered for at least 9 months and who shall have failed during the preceding 6 calendar

months either to have worked as a longshoreman in the port of New York district or to have applied for employment as a longshoreman at an employment information center established under article XII for such minimum number of days as shall have been established by the commission pursuant to section two of this article.

2. On or before the 1st day of June 1954, and on or before each succeeding 1st day of June or December, the commission shall, for the purposes of section 1 of this article, establish for the 6-month period beginning on each such date a minimum number of days and the distribution of such days during such period.

3. In establishing any such minimum number of days or period, the commission shall observe the following standards:

(a) to encourage as far as practicable the regulation of the employment of longshoremen;

(b) To bring the number of eligible longshoremen more closely into balance with the demand for longshoremen's services within the Port of New York district without reducing the number of eligible longshoremen below that necessary to meet the requirements of longshoremen in the Port of New York district;

(c) To eliminate oppressive and evil hiring practices affecting longshoremen and waterborne commerce in the Port of New York district;

(d) To eliminate unlawful practices injurious to waterfront labor; and

(e) To establish hiring practices and conditions which will permit the termination of governmental regulation and intervention at the earliest opportunity.

4. A longshoreman who has been removed from the longshoremen's register pursuant to this article may seek reinstatement upon fulfilling the same requirements as for initial inclusion in the longshoremen's register, but not before the expiration of 1 year from the date of removal, except that immediate reinstatement shall be made upon proper showing that the registrant's failure to work or apply for work the minimum number of days above described was caused by the fact that the registrant was engaged in the military service of the United States or was incapacitated by ill health, physical injury, or other good cause.

5. Notwithstanding any other provision of this article, the commission shall at any time have the power to register longshoremen on a temporary basis to meet special or emergency needs.

ARTICLE X

Port watchman

1. On or after the first day of December, 1953, no person shall act as a port watchman within the Port of New York district without first having obtained a license from the commission, and no person shall employ a port watchman who is not so licensed.

2. A license to act as a port watchman shall be issued only upon written application, duly verified, which shall state the following:

(a) The full name, residence, business address (if any), place and date of birth and social security number of the applicant;

(b) The present and previous occupations of the applicant, including the places where he was employed and the names of his employers;

(c) The citizenship of the applicant and, if he is a naturalized citizen of the United States, the court and date of his naturalization; and

(d) Such further facts and evidence as may be required by the commission to ascertain the character, intergity, and identity of the applicant.

3. No such license shall be granted

(a) Unless the commission shall be satisfied that the applicant possesses good character and integrity;

(b) If the applicant has, without subsequent pardon, been convicted by a court of the United States or of any State or territory thereof of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter, or any felony or high misdemeanor or any of the misdemeanors or offenses described in subdivision (b) of section 3 of Article V;

(c) Unless the applicant shall meet such reasonable standards of physical and mental fitness for the discharge of his duties as may from time to time be established by the commission;

(d) If the applicant shall be a member of any labor organization which represents longshoremen or pier superintendents or hiring agents; but nothing in this article shall be deemed to prohibit port watchmen from being represented by a labor organization or organizations which do not also represent longshoremen or pier superintendents or hiring agents. The American Federation of Labor, the Congress of Industrial Organizations and any other similar federation, congress or other organization of national or international occupational or industrial labor organizations shall not be considered an organization which represents longshoremen or pier superintendents or hiring agents within the meaning of this section although one of the federated or constituent labor organizations thereof may represent longshoremen or pier superintendents or hiring agents.

(e) If the applicant knowingly or wilfully advocates the desirability of overthrowing or destroying the Government of the United States by force or violence or shall be a member of a group which advocates such desirability, knowing the purposes of such group include such advocacy.

4. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the Commission shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed by this article and regulations issued pursuant thereto, the Commission shall issue and deliver a license to the applicant. The commission may issue a temporary permit to any applicant for a license under the provisions of this article pending final action on an application made for such a license. Any such permit shall be valid for a period not in excess of 30 days.

5. A license granted pursuant to this article shall continue for a term of 3 years. A license may be renewed by the commission for successive 3-year periods upon fulfilling the same requirements as are set forth in this article for an original application.

6. Any license issued pursuant to this article may be revoked or suspended for such period as the commission deems in the public interest or the licensee thereunder may be reprimanded for any of the following offenses:

(a) Conviction of a crime or other cause which would permit or require his disqualification from receiving a license upon original application;

(b) Fraud, deceit or misrepresentation in securing the license; and

(c) Any other offense described in subdivisions (c) to (i), inclusive, of section 7 of article V.

ARTICLE XI

Hearings, determinations and review

1. The commission shall not deny any application for a license or registration without giving the applicant or prospective licensee reasonable prior notice and an opportunity to be heard.

2. Any application for a license or for inclusion in the longshoremen's register, and any license issued or registration made, may be denied, revoked, canceled, suspended as the case may be, only in the manner prescribed in this article.

3. The commission may on its own initiative or on complaint of any person, including any public official or agency, institute proceedings to revoke, cancel or suspend any license or registration after a hearing at which the licensee or registrant and any person making such complaint shall be given an opportunity to be heard, provided that any order of the commission revoking, canceling or suspending any license or registration shall not become effective until 15 days subsequent to the serving of notice thereof upon the licensee or registrant unless in the opinion of the commission the continuance of the license or registration for such period would be inimicable to the public peace or safety. Such hearing shall be held in such manner and upon such notice as may be prescribed by the rules of the commission, but such notice shall be of not less than 10 days and shall state the nature of the complaint.

4. Pending the determination of such hearing pursuant to section 3 the commission may temporarily suspend a license or registration if in the opinion of the commission the continuance of the license or registration for such period is inimicable to the public peace or safety.

5. The commission, or such member, officer, employee or agent of the commission as may be designated by the commission for such purpose, shall have the power to issue subpenas throughout both States to compel the attendance of witnesses and the giving of testimony or production of other evidence and to administer oaths in connection with any such hearing. It shall be the duty of the commission or of any such member, officer, employe or agent of the commission designated by the commission for such purpose to issue subpenas at the request of and upon behalf of the licensee, registrant or applicant. The commission or such person conducting the hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure in the conduct of such hearing.

6. Upon the conclusion of the hearing, the commission shall take such action upon such findings and determination as it deems proper and shall execute an order carrying such findings into effect. The action in the case of an application for a license or registration shall be the granting or denial thereof. The action in the case of a licensee shall be revocation of the license or suspension thereof for a fixed period or reprimand or a dismissal of the charges. The action in the case of a registered longshoreman shall be dismissal of the charges, reprimand or removal from the longshoremen's register for a fixed period or permanently.

7. The action of the commission in denying any application for a license or in refusing to include any person in the longshoremen's register under this compact or in suspending or revoking such license or removing any person from the longshoremen's register or in reprimanding a licensee or registrant shall be subject to judicial review by a proceeding instituted in either State at the instance of the applicant, licensee or registrant in the manner provided by the law of such State for review of the final decision or action of administrative agencies of such State: *Provided, however,* That notwithstanding any other provision of law the court shall have power to stay for not more than 30 days an order of the commission suspending or revoking a license or removing a longshoreman from the longshoremen's register.

ARTICLE XII

Employment information centers

1. The States of New Jersey and New York hereby find and declare that the method of employment of longshoremen and port watchmen in the port of New York district,

commonly known as the "shapeup" has resulted in vicious and notorious abuses, of which such employees have been the principal victims. There is compelling evidence that the "shapeup" has permitted and encouraged extortion from employees as the price of securing or retaining employment and has subjected such employees to threats of violence, unwilling joinder in unauthorized labor disturbances and criminal activities on the waterfront. The "shapeup" has thus resulted in a loss of fundamental rights and liberties of labor, has impaired the economic stability of the port of New York district and weakened law enforcement therein. It is the sense of the legislatures of the States of New Jersey and New York that these practices and conditions must be eliminated to prevent grave injury to the welfare of waterfront laborers and to the people at large and that the elimination of the "shapeup" and the establishment of a system of employment information centers are necessary to a solution of these public problems.

2. The commission shall establish and maintain one or more employment information centers in each State within the port of New York district at such locations as it may determine. No person shall, directly or indirectly, hire any person for work as a longshoreman or port watchman within the port of New York district, except through such particular employment information center or centers as may be prescribed by the commission. No person shall accept any employment as a longshoreman or port watchman within the port of New York district, except through such an employment information center. At each such employment information center the commission shall keep and exhibit the longshoremen's register and any other records it shall determine to the end that longshoremen and port watchmen shall have the maximum information as to available employment as such at any time within the port of New York district and to the end that employers shall have an adequate opportunity to fill their requirements of registered longshoremen and port watchmen at all times.

3. Every employer of longshoremen or port watchmen within the port of New York district shall furnish such information as may be required by the rules and regulations prescribed by the commission with regard to the name of each person hired as a longshoreman or port watchman, the time and place of hiring, the time, place, and hours of work, and the compensation therefor.

4. All wage payments to longshoremen or port watchmen for work as such shall be made by check or cash evidenced by a written voucher receipted by the person to whom such cash is paid. The commission may arrange for the provision of facilities for cashing such checks.

ARTICLE XIII

Expenses of administration

1. By concurrent legislation enacted by their respective legislatures, the two States may provide from time to time for meeting the commission's expenses. Until other provision shall be made, such expense shall be met as authorized in this article.

2. The commission shall annually adopt a budget of its expenses for each year. Each budget shall be submitted to the governors of the two States and shall take effect as submitted: *Provided,* That either governor may within 30 days disapprove or reduce any item or items, and the budget shall be adjusted accordingly.

3. After taking into account such funds as may be available to it from reserves, Federal grants or otherwise, the balance of the commission's budgeted expenses shall be assessed upon employers of persons registered or licensed under this compact. Each such employer shall pay to the commission an assessment computed upon the gross payroll payments made by such employer to longshoremen, pier superintendents, hiring agents and port watchmen for work or labor performed within the port of New York district, at a rate, not in excess of 2 percent, computed by the commission in the following manner: the commission shall annually estimate the gross payroll payments to be made by employers subject to assessment and shall compute a rate thereon which will yield revenues sufficient to finance the commission's budget for each year. Such budget may include a reasonable amount for a reserve but such amount shall not exceed 10 percent of the total of all other items of expenditure contained therein. Such reserve shall be used for the stabilization of annual assessments, the payment of operating deficits and for the repayment of advances made by the two States.

4. The amount required to balance the commission's budget, in excess of the estimated yield of the maximum assessment, shall be certified by the commission, with the approval of the respective governors, to the legislatures of the two States, in proportion to the gross annual wage payments made to longshoremen for work in each State within the port of New York district. The legislatures shall annually appropriate to the commission the amount so certified.

5. The commission may provide by regulation for the collection and auditing of assessments. Such assessments hereunder shall be payable pursuant to such provisions for administration, collection, and enforcement as the States may provide by concurrent legislation. In addition to any other sanction provided by law, the commission may revoke or suspend any license held by any person under this compact, or his privilege of employing persons registered or licensed hereunder, for nonpayment of any assessment when due.

6. The assessment hereunder shall be in lieu of any other charge for the issuance of licenses to stevedores, pier superintendents, hiring agents, and port watchmen or for the registration of longshoremen or use of an employment information center. The commission shall establish reasonable procedures for the consideration of protests by affected employees concerning the estimates and computation of the rate of assessment.

ARTICLE XIV

General violations; prosecutions; penalties

1. The failure of any witness, when duly subpenaed to attend, give testimony or produce other evidence, whether or not at a hearing, shall be punishable by the Superior Court in New Jersey and the Supreme Court in New York in the same manner as said failure is punishable by such court in a case therein pending.

2. Any person who, having been sworn or affirmed as a witness in any such hearing, shall wilfully give false testimony or who shall wilfully make or file any false or fraudulent report or statement required by this compact to be made or filed under oath, shall be guilty of a misdemeanor, punishable by a fine of not more than $1,000 or imprisonment for not more than 1 year or both.

3. Any person who violates or attempts or conspires to violate any other provision of this compact shall be punishable as may be provided by the two States by action of the legislature of either State concurred in by the legislature of the other.

4. Any person who interferes with or impedes the orderly registration of longshoremen pursuant to this compact or who conspires to or attempts to interfere with or impede such registration shall be punishable as may be provided by the two States by action of the legislature of either State concurred in by the legislature of the other.

5. Any person who directly or indirectly inflicts or threatens to inflict any injury, damage, harm, or loss or in any other manner practices intimidation upon or against any person in order to induce or compel such person or any other person to refrain from registering pursuant to this compact shall be punishable as may be provided by the two States by action of the legislature of either State concurred in by the legislature of the other.

6. In any prosecution under this compact, it shall be sufficient to prove only a single act (or a single holding out or attempt) prohibited by law, without having to prove a general course of conduct, in order to prove a violation.

ARTICLE XV

Collective bargaining safeguarded

1. This compact is not designed and shall not be construed to limit in any way any rights granted or derived from any other statute or any rule of law for employees to organize in labor organizations, to bargain collectively and to act in any other way individually, collectively, and through labor organizations or other representatives of their own choosing. Without limiting the generality of the foregoing, nothing contained in this compact shall be construed to limit in any way the right of employees to strike.

2. This compact is not designed and shall not be construed to limit in any way any rights of longshoremen, hiring agents, pier superintendents, or port watchmen or their employers to bargain collectively and agree upon any method for the selection of such employees by way of seniority, experience, regular gangs or otherwise; *provided,* that such employees shall be licensed or registered hereunder and such longshoremen and port watchmen shall be hired only through the employment information centers established hereunder and that all other provisions of this compact be observed.

ARTICLE XVI

Amendments; construction; short title

1. Amendments and supplements to this compact to implement the purposes thereof may be adopted by the action of the legislature of either State concurred in by the legislature of the other.

2. If any part or provision of this compact or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact or the application thereof to other persons or circumstances and the two States hereby declare that they would have entered into this compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

3. In accordance with the ordinary rules for construction of interstate compacts this compact shall be liberally construed to eliminate the evils described therein and to effectuate the purposes thereof.

4. This compact shall be known and may be cited as the "Waterfront Commission Compact."

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

House Resolution 363 was laid on the table.

The SPEAKER. This completes the call of the bills on the Consent Calendar eligible for consideration today.

The Clerk will now call the bills that were placed at the foot of the calendar.

DENTAL OUTPATIENT CARE FOR CERTAIN VETERANS

The Clerk called the bill (H. R. 6412) to preserve the eligibility of certain veterans to dental outpatient care and dental appliances.

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

Mr. PHILLIPS. Reserving the right to object, Mr. Speaker, this bill arises from a discussion held on the floor of the House when the conference report was here on the independent offices bill. At that time the question was raised whether that bill in any way prevented the Spanish-American War veterans from receiving the dental service to which they were entitled under a law specifically applying to veterans of that war.

Representing the Committee on Appropriations, as chairman of the subcommittee, I said it was our opinion, and we had so written into the report, that this did not touch the Spanish-American War veterans, but that if there were any questions, the Committee on Veterans' Affairs could bring out a bill, which I was sure would go through under unanimous consent, making that point clear.

The committee has brought out a bill referring not only to that particular group, but also including another group concerning which there was some discussion. Speaking for the Committee on Appropriations, I am not constrained to object to this, but I am constrained to point out, Mr. Speaker, that instead of 3 percent, which would be 900, of these veterans taking work under Public Law 16, a statement which the gentlewoman from Massachusetts assured me would be received in a letter from the Veterans' Administration, it now turns out that this will be 10 percent, or 3,000 veterans, and that the amount will be $120,000. There is some ambiguity in the Veterans' Administration letter as to whether that means just for fiscal 1954 or merely that much in 1954, to be followed by additional expenditures in subsequent years.

As I say, Mr. Speaker, I do not like it that this comes up under unanimous consent, but it is a worthy objective and we do not like to stand in its way.

I ask unanimous consent, Mr. Speaker, and I am sure the gentleman from New Jersey, the author of the bill, will agree, that there be printed in the RECORD at this point letters from the Veterans' Administration on the subject of these Korean veterans who are receiving training under Public Law 16.

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

There was no objection.

The letters referred to follow:

VETERANS' ADMINISTRATION,
Washington, D. C., July 28, 1953.

Hon. PETER FRELINGHUYSEN, Jr.,
House of Representatives,
Washington, D. C.

DEAR MR. FRELINGHUYSEN: This will refer to your oral request for further information concerning H. R. 6412, 83d Congress, with particular reference to the cost of providing outpatient dental care to veterans in training under Public Law 16, 78th Congress, as amended, and Public Law 894, 81st Congress, as amended, during fiscal year 1954.

H. R. 6412, 83d Congress, a bill to preserve the eligibility of certain veterans to dental outpatient care and dental appliances, would, if enacted, exempt veterans pursuing training under Public Law 16, as amended and extended and veterans of the Spanish-American War group from the limitations contained in the Second Independent Offices Appropriation Act, 1954 with respect to outpatient dental care.

In the report of the Veterans' Administration to the House Committee on Veterans' Affairs of July 21, 1953, on H. R. 6412, it was stated that the bill would be in accord with the basic principles of Public Law 16. As you know, Public Law 16 and Public Law 894, 81st Congress, as amended, are the acts providing for vocational rehabilitation of disabled veterans of World War II and of the Korean conflict period, respectively.

The purpose of vocational rehabilitation is to restore employability lost by virtue of a handicap due to service-incurred disability, and since it would be impossible to accomplish this purpose without keeping the trainee in ordinary good health, medical care and treatment including dental, are furnished in consonance with the basic purpose of the law.

It is believed that the several directives of the Veterans' Administration which are pertinent to the question of outpatient dental care for vocational rehabilitation trainees may be of interest. Veterans' Administration Regulation 10253 reads in pertinent part:

"(A) Medical services for veterans pursuing vocational rehabilitation training.

* * * * *

"(2) A veteran pursuing vocational rehabilitation training under part VII, Veterans Regulation No. 1 (a), as amended, is entitled to dental examination and/or treatment * * * determined necessary to prevent interruption of training or to hasten return to training of a veteran in training status (including leave status) when a cessation of instruction has become necessary because of the condition requiring the dental treatment. The type and extent of dental treatment will be as determined by a dental officer of the VA in accordance with the provisions of R. and P. R–6129 (E). All such dental treatment is subject to the provisions of VA medical procedures."

Veterans' Administration Regulation No. 6129 (E), referred to, provides with respect to veterans pursuing courses of vocational training under the Public Law 16 program, that dental treatment, other than emergency, will consist only of such measures as may be reasonably necessary to prevent the interruption of an authorized course of vocational training.

In brief, it will be observed that the provision of necessary medical services, including dental care, in order to prevent the interruption of vocational rehabilitation training and restore the veteran to his training status has long been an integral part of the program.

It may be stated that the cases of vocational rehabilitation trainees who are in need of dental treatment to avoid interruption of their training are for the most part emergency in type, such as acute infections, extensive dental caries accompanied by pain, infected teeth, etc., all of which might be treated in 1 or 2 visits and not be too costly. Of course, veterans in training for the ministry, or as lawyers, or salesmen and the like, might require more extensive treatment to retain anterior teeth or replace these teeth if lost, in order that training may be continued. Such cases would require more time and would cost appreciably more than the other type.

The experience of three regional offices, New York, Philadelphia, and Brooklyn, during fiscal year 1953, indicates somewhat more than 1.5 percent of all completed out-patient dental treatment cases was provided to veterans in vocational rehabilitation training by virtue of their training status. This represents about 3,700 cases or slightly more than 10 percent of the total number of veterans in training under Public Law 16, 78th Congress, as amended and Public Law 894, 81st Congress, as amended.

It is estimated that 30,000 veterans will be in training under the mentioned laws during fiscal year 1954. Assuming the same utilization, that is, 10 percent, then 3,000 of these veterans will require out-patient dental care during fiscal year 1954. Applying the $40 per case, recorded fiscal year 1953 cost experience of the three offices mentioned above, a cost estimate of about $120,000 for this eligible group during fiscal year 1954, would be indicated.

Very truly yours,

G. H. BIRDSALL,
Assistant Administrator for Legislation.

VETERANS' ADMINISTRATION,
Washington, D. C., July 30, 1953.

Hon. PETER FRELINGHUYSEN, Jr.,
House of Representatives,
Washington, D. C.

DEAR MR. FRELINGHUYSEN: This will refer to your request of July 29, by telephone, to Mr. Daley of this office, for further information concerning the cost of outpatient dental care to veterans in vocational rehabilitation training under the Public Law 16 program and to the Spanish-American War group of veterans; also the number of veterans to be affected.

That part of the cost estimate contained in the report of the Veterans' Administration of July 21, 1953, on H. R. 6412, 83d Congress, which relates to the Spanish-American War group of veterans, was based on numbers and costs derived from fiscal year 1953 experience. For that year the estimates indicated that examinations were completed in the cases of 4,840 Spanish-American War group veterans. Of this number, 1,958 cases were on a fee basis at a cost of $27,792. Treatments were completed in 4,864 cases, of which number 2,800 were on a fee basis at a cost of $344,402.

As of June 30, 1953, there were reported to be 89,000 living Spanish-American War group veterans.

It is estimated that 30,100 veterans will be in vocational rehabilitation training under Public Law 16, 78th Congress, as amended (16,500) and Public Law 894, 81st Congress, as amended (13,600), during fiscal year 1954. It is expected that there will be a slight decline, over-all, in average enrollments under these laws in the succeeding fiscal years and that the range will be from 25 to 30 thousand veterans. However, it is not possible, at this time, to furnish a definite estimate for the succeeding fiscal years.

As was indicated in our letter of July 28, 1953, the estimate that 10 percent of the vocational rehabilitation trainees will require outpatient dental care during fiscal year 1954, was derived from the experience of the New York, Philadelphia, and Brooklyn offices of the Veterans' Administration during fiscal year 1953. It is, of course, possible that this experience may not have been entirely typical or favorable. However, the estimate is the best that can be furnished by way of a projection at this writing.

Reference is also made to your inquiry concerning the reason for the higher unit cost of treatment for Public Law 791 beneficiaries that is, the Spanish-American War group, as compared with the unit cost of treatment for veterans taking vocational rehabilitation under Public Law 16 and Public Law 894. The chief medical director of the Veterans' Administration advises in this connection that the predominant factor in

the higher unit cost of treatment to Public Law 791 beneficiaries, is the fact that dental disease is generally more extensive and disabling with advanced age. Complete dental treatment is furnished these older men and this treatment invariably involves the removal of teeth and the replacement of lost dentition by prosthetic appliances. By contrast, the treatment furnished the veterans taking vocational rehabilitation usually is limited, as explained in our letter of July 28, 1953. The Department of Medicine and Surgery cites an estimated unit cost of treatment for Public Law 791 beneficiaries as approximately $113 as compared to $40 for the Public Law 16 and Public Law 894 veterans.

By way of a general observation in regard to the prevalence of dental diseases in the United States, the chief medical director invites attention to the recent testimony of the spokesman for the American Dental Association before the Veterans' Affairs Committee that "dental caries is one of the most prevalent diseases of mankind, since it affects about 95 percent of the population." While this is not to infer, of course, that there will be a similar prevalence in the cases of veterans taking vocational rehabilitation training from the standpoint of urgent need for treatment, nevertheless, the 10 percent projected incidence, previously noted, would not seem to loom large in contrast.

Very truly yours,

G. H. BIRDSALL,
Assistant Administrator for Legislation.

Mr. PHILLIPS. May I say that this matter should come up, between now and a year from now, before the Committee on Appropriations, and also before the Committee on Veterans' Affairs. This is part of the broad subject of dental service concerning which the veterans' organizations testified before my committee, some of them feeling that this had gone entirely too far, and indicating that savings of up to $20 million a year could be made, not by depriving the veterans of any service to which they were genuinely entitled but merely by a better administrative procedure established in the Veterans' Administration.

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

Mr. PHILLIPS. I yield to the gentleman from New Jersey.

Mr FRELINGHUYSEN. Mr. Speaker, it is very gratifying to know that the gentleman from California will not press an objection to this bill. For his information, there is a continuing obligation anticipated under the veterans training part of this bill. The estimate of 3,000 veterans is for the fiscal year 1954. Something of that nature would be expected in future years.

May I also point out that the law now provides dental care only to the extent that it is considered reasonably necessary to insure that these veterans may continue their training programs without interruption. A number of Members have suggested that perhaps not as many as 1 out of every 10 veterans should need dental treatment under these conditions. I think it is advisable, perhaps, to point out to the Veterans' Administration that they might well tighten their regulations and see to it that only those veterans reasonably needing such care get it.

Mr. PHILLIPS. Mr. Speaker, this last point is one which I, also, had mentioned that this is to a certain extent an administrative problem and certainly the number of veterans estimated in this particular group seems large to those of us who are familiar with the program. We do not want to deny those who are worthy from getting the dental care to which they are entitled.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. PHILLIPS. I yield.

Mr. O'HARA of Illinois. The last Spanish American War veteran in this Chamber is asking you to yield to him. What you are suggesting, sir, is that the handful of Spanish-American War veterans left shall go without dental treatment until we meet here next year.

Mr. PHILLIPS. The gentleman misunderstood. There has never been any objection to the provisions in this bill for dental care for the Spanish-American War veterans, and I am not objecting. I do not think the other issue in the bill justifies holding off the Spanish War Veterans and the deserving veterans who come under Public Law 16 group.

Mr. O'HARA of Illinois. Is it not a simple matter to amend the bill to strike out the other provision?

Mr. PHILLIPS. The gentleman misunderstands the situation. I am not objecting to the bill and I do not believe any objection will be raised upon the floor.

Mr. O'HARA of Illinois. I thank the gentleman for his assurance that there will be no objection to the immediate consideration of this bill. The gentleman will recall that in the 81st Congress we passed the out-patient bill for Spanish-American veterans over the President's veto. It was my privilege to speak on that occasion in behalf of my comrades of that war. Earlier in this session of the 83d Congress, when the amendment to the independent offices appropriation bill was adopted, I was greatly concerned that the effect of the amendment would be to take from the Spanish-American War veterans the enjoyment of the benefits accorded by the 81st Congress. I was doubtful that the statement in the committee's report would be adequately protective. The gentleman from California will appreciate how deeply I feel my obligation to my comrades of that war of over a half a century ago, as their last representative in this body, and my concern that there should be no slip at this stage. I commend him and the other gentlemen, all veterans of later and larger wars, for this fine and sympathetic manner in which they have cooperated in this matter. I am sure, Mr. Chairman, that the country will approve.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That veterans of the Spanish-American War, including the Philippine Insurrection and the Boxer Rebellion, and veterans in training under Public Law 16, 78th Congress, as amended and extended, shall not be subject to the limitation on out-patient dental care contained in the first proviso of the provision under the heading "Out-patient care" appearing under the heading "Veterans' Administration" in the Second Independent Offices Appropriation Act, 1954.

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

CELEBRATION OF 200TH ANNIVERSARY OF THE CONGRESS OF 1754, HELD AT ALBANY, N. Y.

The Clerk called the joint resolution (H. J. Res. 290) creating a committee to assist in the celebration of the two hundredth anniversary of the Congress of 1754, held at Albany, N. Y., on June 24 of that year.

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I do so in order that the membership may understand what the situation is. This bill is similar to the bill passed earlier relating to the celebration of the 200th anniversary of Columbia University. In other words, it relates to the matter of appointing a congressional committee, and in order to avoid the expenditure of funds an amendment is necessary. I understand the author of the bill is going to recommend that the committee amendment be turned down, and he will then offer another amendment to the bill which will put the bill in proper order and form.

I yield to the gentleman from New York [Mr. O'BRIEN] to inquire whether that is correct.

Mr. O'BRIEN of New York. That is correct.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

Whereas June 24, 1954, will mark the 200th anniversary of the first Congress held in the United States; and

Whereas said Congress was assembled in Albany, N. Y., on a site presently marked with a simple inscription, "Birthplace of American Union. Site of the Congress of 1754. Here Benjamin Franklin presented the first plan of federal union"; and

Whereas it is fitting that this Congress of 1953 pay tribute to its stirring beginning: Now, therefore, be it

Resolved, etc., That a committee of 25 persons, of whom 5 shall be Members of the Senate, and 5 Members of the House of Representatives, be appointed by the President of the United States to arrange for a ceremony in Albany, N. Y., on June 24, 1954, to celebrate the date on which the first Congress in America adopted this resolution: "*Resolved*, That a union of all the Colonies is absolutely necessary for their security and defense."

SEC. 2. There is hereby authorized to be appropriated the sum of $5,000 to carry out the purposes of this resolution.

With the following committee amendment:

Strike out all after the enacting clause and insert "That there shall be appointed a committee of 14 Members of Congress from the 7 States which sent delegates to the Congress of 1754, 7 of whom shall be appointed by the President of the Senate and 7 by the Speaker of the House, to participate in ceremonies in Albany, N. Y., on June 24, 1954, to celebrate the date on which the first Congress in America adopted this resolution: '*Resolved*, That a union of all the Colonies

is absolutely necessary for their security and defense.'

"SEC. 2. Necessary expenses of any Member incidental to the performance of the duties and responsibilities pursuant to designation under this resolution shall be paid out of the contingent fund of the House of which such Member is a Member."

The committee amendment was rejected.

Mr. O'BRIEN of New York. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'BRIEN of New York: Strike out after the enacting clause and insert the following: "That there shall be appointed a committee of 14 Members of Congress from the 7 States which sent delegates to the Congress of 1754, 7 of whom shall be appointed by the President of the Senate and 7 by the Speaker of the House, to participate in the ceremonies in Albany, N. Y., on June 24, 1954, to celebrate the date on which the first Congress in America adopted this resolution: *'Resolved,* That a union of all the Colonies is absolutely necessary for their security and defense.'"

The amendment was agreed to.

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

AMENDING SECTION 202 OF THE FEDERAL POWER ACT

The Clerk called the bill (S. 1442) to amend section 202 of the Federal Power Act, with respect to the jurisdiction of the Federal Power Commission over persons and facilities engaged in the transmission or sale of electric energy to foreign countries.

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

Mr. HESELTON. Mr. Speaker, reserving the right to object, I want to make a brief statement in connection with this bill.

It is a difficult matter for me to disagree with so many, in fact nearly all, of the members of my own committee, the Committee on Interstate and Foreign Commerce of the House. I thoroughly respect their views. I know that they are completely sincere when they recommend this legislation.

Inasmuch as the Federal Power Commission has stated that it would revoke its rule giving it jurisdiction over the Detroit Edison Co. which will be transmitting electric energy in foreign commerce after the proposed interchanges with Ontario are completed, it makes no difference whether the bill, which does the same thing, passes or not.

Yet there are certain aspects of the situation which seem to me to require some discussion.

The Detroit Edison Co. testified that it was not seeking to avoid any regulation over this foreign commerce in electric energy, merely the duplication of regulation which would occur were the Federal Power Commission to exercise jurisdiction in addition to the complete jurisdiction already possessed by the Michigan Public Service Commission. It seems to me that there is grave doubt whether the Michigan authorities have such power over foreign commerce, regardless of the apparent intent as expressed in the bill that the State may exercise such jurisdiction.

The authorities on which counsel for the company, in a separate brief filed with the committee by Sullivan & Cromwell, appear to rely as to the constitutionality of this delegation by the Congress, do not impress me. Neither do those of the American Law Division of the Library of Congress Legislative Reference Service. Practically all of them are decisions pertaining to the delegation to the States of the right to exercise certain jurisdiction in the field of interstate commerce. The principal case seemingly relied upon as to foreign commerce is that of *Bob-Lo Excursion Company* v. *Michigan* (333 U. S. 28 (1948)), which involved a violation by the company of the Michigan Civil Rights Act by refusing passage to a Negro between Detroit and an amusement park on an island in Canadian waters.

Foreign commerce, of course, even to a greater extent than domestic commerce must be within the realm of governmental authority delegated by the several States to the Federal Government under the Constitution. Whether there is a proper and successful redelegation under this bill to the States seem to me very doubtful, and not very desirable. If there is not, of course, the bill simply succeeds in recreating the "Attleboro gap," absence of any governmental regulation of the transaction, which was the very basis for the enactment originally of the Federal Power Act.

On the other hand, it would appear that the Detroit Edison Co., by its assertions in the testimony on this bill, is effectively estopped from urging any such lack of State jurisdiction insofar as it is concerned.

Secondly, I cannot fully subscribe to the reasoning of the circuit court of appeals in its holding in the Border Pipe Line case that the Congress did not intend that the domestic part of the foreign transportation of natural gas should be within the jurisdiction of the Commission. It is regrettable that the Court of last resort has not passed on this question. The language of the Federal Power Act reads:

Section 201 (c). "For the purposes of this part, electric energy shall be held to be transmitted in interstate commerce if transmitted from a State and consumed at any point outside thereof; but only insofar as such transmission takes place within the United States."

It certainly seems to me that it was intended that this transmission to a foreign country would bring one within the jurisdiction of the Commission, since clearly the transmission in interstate commerce does so. Otherwise, what do the words mean, "any point outside thereof"? They are not limited in any way by phraseology that Ontario is not "outside." It is true that the Interstate Commerce Act uses the language "to or from any foreign country," but I cannot see that this is any more explicit than "any point outside."

On the other hand, in view of the doubt cast upon the correct interpretation of the language, by reason of the differing Federal Power Commission interpretations, the court decision, and sundry arguments advanced at the hearing, it would seem proper to clear it up. Whether or not electric, or for that matter, natural gas, companies engaged in foreign commerce should be brought within the Federal Power Commission, is a subject on which I in nowise now would attempt to pass. I do agree, however, with what seems to be the thought of the committee, that any determination of this question is certainly a policy decision to be made by the Congress, and not by any administrative ruling of a regulatory body through strained construction placed upon statutory language.

Finally, while the discussion of what the effect of the bill will be as far as Detroit Edison is concerned seems clear, I cannot foresee what may be the result of this bill in terms of any interchanges between other States and foreign countries, such as the prospective connections between the State of New York and Ontario, either by private companies or by State generating authorities.

In conclusion, I want to call attention to the fact that this House has by Public Law 109 created what is known as a Commission on Intergovernmental Relations. While it is possible that the duties specified in that law would not run fully to this kind of situation, I am sure that there is a Federal and State relationship here which ought to be investigated and on which we should have some considered recommendations from that or some other source.

I do think it is very doubtful wisdom to be passing a bill which does substantially change existing law, and I say that even though it is true that the Federal Power Commission or at least a majority of the Federal Power Commission appears to be ready to do all of this by regulation and, consequently, all this discussion may not be in point.

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

Mr. HESELTON. I yield.

Mr. YATES. I have examined the report, and it contains no statement as to why the Detroit Edison does not want to be considered a public utility. Is it that because coming within that designation would place it under the jurisdiction of the Federal Power Commission?

Mr. HESELTON. I cannot say. Somebody else might be able to enlighten the gentleman.

Mr. YATES. Would somebody else on the committee answer the question?

Mr. RABAUT. I can answer the gentleman's question, if he would like me to. Detroit Edison is under the jurisdiction of the State commission and the State Commission of Michigan is a very able body. There is no reason for the Detroit Edison Co. which does not do an interstate business to be under the Federal Power Commission as well as under the State commission. It does not seek to do interstate business.

Mr. YATES. If the gentleman will yield further, I am not willing to accept the principle that where a company in the United States crosses a line which divides our country from another, in this case, Canada, and does business in Canada, that it is not engaged in foreign commerce. What I would like to know,

however, is whether or not to be classified as a public utility would place the Detroit Edison Co. under the jurisdiction of the Federal Power Commission?

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

Mr. HESELTON. I yield.

Mr. HINSHAW. If the Detroit Edison Co. is considered a public utility under the Federal Power Act, then, of course, it comes under the jurisdiction of the act, but not selling any power across State lines it does not come under this act.

Mr. YATES. Even though it sells power across the international boundary?

Mr. HINSHAW. Even that does not put it under the jurisdiction of the Federal Power Act specifically by the language of the Federal Power Act.

Mr. YATES. Is that the sole reason for this bill, to make sure that that happens?

Mr. HINSHAW. Yes, indeed.

Mr. HESELTON. I think I still have the floor under the reservation of objection. I might point out and emphasize the purpose of the bill by reading it:

> For the purposes of this bill, electric energy shall be held to be transmitted in interstate commerce if transmitted from any State and consumed at any point outside thereof.

In my judgment, those words "at any point outside thereof" certainly clearly relate to the transmission to Canada, transmission to Mexico, or if at some future time television or some other unknown means of power transmission develops so it would be transmitted even to Central and South America, that it would be properly a subject matter for the Federal Power Commission and not within the jurisdiction of the State of Texas, Florida, Louisiana, or some other State.

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

Mr. HESELTON. I yield.

Mr. RABAUT. I refer the gentleman to the report wherein the Chairman of the Federal Power Commission, Jerome K. Kuykendall, says:

> The Commission notes that the companion measure to H. R. 3898, which is S. 1442, has been amended so as clearly to preserve in the Federal Government the right to control the export of electric energy from this country. This amendment has removed what the Commission believed to be one of the most objectionable features of this bill.

Mr. HESELTON. I am simply unable to accept the fact that that amendment cures what appears to me to be an essential change of policy. However, I have taken this time in order to keep the record clear, and particularly to point out that, in my opinion, the Detroit Edison Co. has estopped itself from urging that it is not under the control of the Michigan people. That was done in the Attleboro case, and I do not want to see a repetition of that. I think there should be some regulation by either a State or Federal body.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 202 of part II of the Federal Power Act is hereby amended by adding at the end thereof the following subsection:

"(f) The ownership or operation of facilities for the transmission or sale at wholesale of electric energy which is (a) generated within a State and transmitted from that State across an international boundary and not thereafter transmitted into any other State, or (b) generated in a foreign country and transmitted across an international boundary into a State and not thereafter transmitted into any other State, shall not make a person a public utility subject to regulation as such under other provisions of this part. The State within which any such facilities are located may regulate any such transaction insofar as such State regulation does not conflict with the exercise of the Commission's powers under or relating to subsection 202 (e)."

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

AUTHORIZING THE PRESIDENT TO EXERCISE CERTAIN POWERS CONFERRED UPON HIM BY THE HAWAIIAN ORGANIC ACT IN RESPECT TO CERTAIN PROPERTY CEDED TO THE UNITED STATES BY THE REPUBLIC OF HAWAII

The Clerk called the bill (H. R. 2846) authorizing the President to exercise certain powers conferred upon him by the Hawaiian Organic Act in respect of certain property ceded to the United States by the Republic of Hawaii, notwithstanding the acts of August 5, 1939, and June 16, 1949, or other acts of Congress.

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

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and I do not intend to object, at the time this bill was up before I inquired as to how the United States had acquired the property. That matter has now been determined, and I yield to the Delegate from Hawaii to advise us on that point.

Mr. FARRINGTON. Mr. Speaker, the purpose of this bill is to permit the President to return to the Territory of Hawaii land that was originally ceded by the Republic of Hawaii to the United States. It was originally used for military purposes and is now needed for a harbor project. It is in the interest of national defense, among other things.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the act of August 5, 1939 (53 Stat. 1209, ch. 444), the act of June 16, 1949 (63 Stat. 176), or any other act of Congress, the President is hereby authorized to exercise, in respect of the following-described land required for completion of a harbor improvement project in Honolulu, Hawaii, all those powers which, by the second sentence of section 91 of the Hawaiian Organic Act, as amended, are conferrd upon him in respect of other ceded property taken for the uses and purposes of the United States:

1. The following-described land now under the jurisdiction of the General Services Administration and being portions of the land described in section 203 of the act of June 16, 1949 (63 Stat. 176):

(a) Beginning at the north corner of this parcel of land, and on the southeast side of Channel Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Punchbowl" being four thousand four hundred twelve and twenty-two one-hundredths feet south and five thousand six hundred seventy-eight and thirty-nine one-hundredths feet west, and running by azimuths measured clockwise from true south: Three hundred and nine degrees three minutes one hundred sixty-seven and one one-hundredth feet along portion of Presidential Executive Order 10309, tract 1; thirty-eight degrees fifty-seven minutes twenty seconds ninety-six and seventy one-hundredths feet along same; three hundred and eight degrees forty-eight minutes thirty seconds twenty-five and ninety-eight one-hundredths feet along same; thirty-eight degrees forty-eight minutes thirty seconds four hundred seven and fifty-two one-hundredths feet along portion of United States Military Reservation Fort Armstrong (Presidential Executive Order 5487) and along portion of quarantine station site (act of June 16, 1949); one hundred and twenty-nine degrees no minutes one hunderd ninety-four and forty-three one-hundredths feet along portion of quarantine station site (act of June 16, 1949); two hundred and nineteen degrees no minutes five hundred four and twenty-eight one-hundredths feet along the southeast side of Channel Street to the point of beginning. Area two and eighteen one-hundredths acres;

(b) Beginning at the north corner of this parcel of land, the west corner of the land described in governor's executive order 1081 (pier 2) and on the southeasterly side of the Honolulu Harbor line, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Punchbowl" being four thousand six hundred fifty-two and sixteen one-hundredths feet south and six thousand two hundred twenty-two and twenty-five one-hundredths feet west, and running by azimuths measured clockwise from true south: Three hundred and nine degrees no minutes sixty feet along governor's executive order numbered 1081; thirty-nine degrees no minutes, twenty feet along portion of quarantine station site (act of June 16, 1949); one hundred and twenty-nine degrees no minutes sixty feet along same; two hundred and nineteen degrees no minutes, twenty feet along the Honolulu Harbor line to the point of beginning. Area three one-hundredths acre.

2. That land, now part of the Fort Armstrong Military Reservation, which was transferred by the Secretary of Labor to the control and jurisdiction of the Secretary of War (now Secretary of the Army) by letter dated December 16, 1939, pursuant to the act of August 5, 1939 (53 Stat. 1209, ch. 444). Area sixteen one-hundredths acre.

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

EXCHANGE AND AMENDMENT OF FARM UNITS ON FEDERAL IRRIGATION PROJECTS

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent to return to Calendar No. 224 and for the immediate consideration of the bill (S. 887) to permit the exchange and amendment of farm units on Federal irrigation projects, and for other purposes.

The Clerk read the title of the bill.

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

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, from information I have received, both the Bureau of the Budget and the Department of Agriculture had amendments that they thought were desirable to this bill. My information was that these amendments had not been included. After discussing the matter with the chairman of the committee, however, he advises me that the amendments were included, so that the Bureau of the Budget and the Department of Agriculture no longer have any objection to this legislation. Under those circumstances I withdraw my reservation of objection.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That any entryman on an unpatented farm unit on a Federal irrigation project which shall be found by the Secretary of the Interior, pursuant to a land classification, to be insufficient to support a family shall be entitled, upon timely application to the Secretary to exchange his farm unit for another farm unit of unentered public land within the same or any other such project, or, upon terms and conditions satisfactory to the Secretary, for any other available farm unit on the same or any other such project. He shall be given credit under the homestead laws for residence, improvement, and cultivation made or performed upon the original entry, and if satisfactory final proof of residence, improvement, and cultivation has been made on the original entry it shall not be necessary to submit such proof upon the lieu entry. Rights under this act shall not be assignable.

SEC. 2. The benefits of section 1 of this act shall, and those of the following sections may, be extended by the Secretary to (a) any lawful assignee of an unpatented farm unit on a Federal irrigation project who took the assignment in good faith not knowing and not having reason to believe the farm unit to be insufficient to support a family; and (b) any resident owner of private lands on any such project whose lands shall be found, pursuant to a land classification, to be insufficient to support a family and (i) who, apart from his ownership of the lands to be conveyed pursuant to clause (iv) hereof and apart from his having previously exhausted this homestead right, if such be the case, is eligible to enter on unappropriated public lands under Revised Statutes, section 2289, as amended (43 U. S. C. 161), (ii) who receives his entire irrigation water supply from project sources, (iii) who purchased his lands in good faith from a predecessor in interest not knowing and not having reason to believe them to be insufficient to support a family or who lawfully acquired them as an entire farm unit under the Federal reclamation laws from the United States or, in the case of a widow, widower, heir, or devisee, from a spouse or ancestor, as the case may be, who so acquired them, and (iv) who conveys, free from all encumbrances, to the United States all of his lands served by the project or such portion thereof as the Secretary may designate.

SEC. 3. (a) If an entryman making an exchange under the provisions of this act becomes the direct obligor for payment to the United States of irrigation construction charges for his lieu farm unit or undertakes a contract under which the equivalent, in whole or in part, of such charges is returned to the United States, the Secretary, to the extent to which such charges upon the original farm unit or the equivalent thereof have actually been paid to the United States or to an irrigation district or other form of organization under contract with the United States, may give him credit for such charges upon the lieu unit.

(b) If an irrigation district or other form of organization within the boundaries of which is located the lieu farm unit of an entryman making an exchange under the provisions of this act is or becomes the direct obligor for payment to the United States of irrigation construction charges or undertakes or has undertaken a contract under which the equivalent, in whole or in part, of such charges is returned to the United States, the Secretary may, to the extent to which it gives credit to the entryman for such charges or the equivalent thereof actually paid upon the original farm unit, give the district or other form of organization credit for payment of such charges. Upon the making of an exchange pursuant to the provisions of this act, the Secretary may reduce (i) the reimbursable construction costs of the project or division thereof upon which the original farm unit was located by the amount of such costs which were properly assignable to the original farm unit and which were not then due and payable, and (ii) the reimbursable construction costs of the project or division thereof upon which the lieu farm unit is located by the amount of credit which might be given under the provisions of this section.

(c) In any case in which the benefits of this act are extended to an assignee of an unpatented farm unit or to a resident owner of private lands, an appropriate extension of benefits may also be made to an irrigation district or other form of organization under subsection (b) of this section.

SEC. 4. (a) After his approval of any application for an exchange as provided in this act, the Secretary may cancel and release, in whole or in part, any and all charges or liens against the entryman or against the relinquished farm unit which are within his administrative jurisdiction. In administering the provisions of this subsection the Secretary shall take into consideration other charges and liens and the rights and interests of other lien holders as to him may seem just and equitable.

(b) An entryman making an exchange under the provisions of this act may be given credit by the Secretary upon any land development charges made by the United States in connection with the lieu farm unit for any such charges paid to the United States in connection with the original unit. A resident owner making an exchange under the provisions of this act may, to the extent to which he or, in the case of a widow, widower, heir, or devisee, his spouse or ancestor, as the case may be, has paid to the United States the purchase price of the original farm unit, be given credit by the Secretary upon the purchase price of his lieu farm unit; such credit may also be applied in the manner and circumstances provided in section 3 of this act upon irrigation construction charges for or properly assignable to his lieu farm unit.

SEC. 5. Within 90 days after receipt of notice of the approval by the Secretary of the application for exchange of entry and subject to the rights and interests of other parties, the entryman may dispose of, and he or his transferee or vendee may remove, any and all improvements placed on the relinquished unit. Upon the making of an exchange under this act, any water right appurtenant to the original lands under the Federal reclamation laws shall cease and the water supply theretofore used or required to satisfy such right shall be available for disposition under those laws. Any land relinquished or conveyed to the United States under this act shall revert to or become a part of the public domain and be subject to disposition by the Secretary under any of the provisions of the Federal reclamation laws.

SEC. 6. Upon timely application by an entryman on an unpatented farm unit on a Federal irrigation project, which shall be found by the Secretary, pursuant to a land classification, to be insufficient to support a family, the Secretary may, upon terms and conditions satisfactory to him, amend the farm unit of said entryman, combine all or a part of the lands of said farm unit with other contiguous or noncontiguous lands on the same project which are declared by the Secretary to be open to entry or purchase, and thereby form and designate an amended farm unit for said entryman, which in no event shall exceed 320 acres of land containing not more than 160 irrigable acres designated by the Secretary. The acceptance of the amended farm unit by the applicant shall be deemed an exchange within the meaning of this act. In extending the benefits of this section to a resident owner of private lands as provided in section 2 of this act, the Secretary may waive, in whole or in part, the provisions of clause (iv) of subsection (b) of that section.

SEC. 7. Any exchange pursuant to this act of land that is subject to a mortgage contract with the Secretary of Agriculture under the act of October 19, 1949 (63 Stat. 883; 7 U. S. C., 1946 edition, secs. 1006a and 1006b), and any disposition pursuant to this act of property that is subject to such a mortgage contract, shall be effected only in such form and manner and upon such terms and conditions as are consistent with the authority of the Secretary of Agriculture over such mortgage contract and such property under the Bankhead-Jones Farm Tenant Act (50 Stat. 522; 7 U. S. C., sec. 1000 et seq.), as amended, as supplemented by said act of October 19, 1949.

SEC. 8. Where there are two or more timely applicants for a farm unit on a particular project or division thereof under the provisions of this act, one or more of whom is an ex-serviceman who would be entitled under the applicable statutes to a preference in making entry of farm units on such project or division, the ex-servicemen, or one of them, shall have a preference in making such exchange. Any timely applicant for an exchange under the provisions of this act shall be entitled to preference over any other applicant for a farm unit on the same project or division thereof.

SEC. 9. In administering section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 434), sections 1 and 5 of the act of June 27, 1906 (34 Stat. 519; 43 U. S. C. 434, 448), as amended, and section 3 of the act of August 9, 1912 (37 Stat. 265, 266; 43 U. S. C. 544), the Secretary may, to the extent found necessary as shown by a land classification to provide farm units sufficient in size to support a family, establish such units of not more than 320 acres containing not more than 160 irrigable acres designated by him and may permit entry and assignment under the homestead laws, and retention and assignment under the desert land laws, of such units. The lands included in farm units established pursuant to the authority of this section and entered under the homestead laws may be contiguous or noncontiguous.

SEC. 10. Subsection M of section 4 of the act of December 5, 1924 (43 Stat. 672; 43 U. S. C., sec. 438), is hereby repealed. Nothing contained in this act shall be held to repeal, supersede, or supplement the provisions for exchange and matters related thereto contained in the act of May 25, 1926 (44 Stat. 636), as amended and supplemented.

SEC. 11. As used in this act, the term "Federal irrigation project" means any irrigation project subject to the Federal reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto), to which laws this act itself shall be deemed a supplement.

SEC. 12. The Secretary may perform any and all acts and make all rules and regulations necessary and proper for carrying out the purposes of this act.

SEC. 13. Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available for credits, expenses, charges, and costs provided by or incurred under this act. Expenses incurred in carrying out the provisions of sections 1 to 7, inclusive, of this act, shall be nonreimbursable and nonreturnable under the Federal reclamation laws.

With the following committee amendments:

Page 2, line 14, strike the following language: ", pursuant to a land classification.".

Page 2, line 17, strike the "(iv)" following the word: "clause" and substitute in lieu thereof the following: "(iii)."

Page 2, beginning on line 20, and continuing on lines 21, 22, 23, 24, strike the following language: "who receives his entire irrigation water supply from project sources, (iii) who purchased his lands in good faith from a predecessor in interest not knowing and not having reason to believe them to be insufficient to support a family or".

Page 2, line 25, strike the word "them", and insert in lieu thereof: "his lands."

Page 3, line 4, strike the following: "(iv)" and substitute in lieu thereof the following: "(iii)."

Page 4, line 16, after the word "lands", insert the following language: "as provided in subsection (b) of section 2 of this act,".

Page 7, line 2, strike the following: "(iv)", and insert in lieu thereof the following: "(iii)."

The committee amendments were agreed to.

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

AUTHORIZING LENDING OPERATIONS BY THE KLAMATH INDIANS

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to return to No. 199 on the Consent Calendar, and the immediate consideration of the bill (H. R. 5715) to authorize lending operations by the Klamath Indians, and for other purposes.

The Clerk read the title of the bill.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the General Council of the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians (hereinafter referred to as the "Klamath Tribes") is authorized, subject to the approval of the Secretary of the Interior (hereinafter referred to as "the Secretary"), to establish, or cause to be established, one or more lending agencies (hereinafter referred to as "the approved organization") having definite legal identities amenable to the general lending laws of the State of Oregon.

SEC. 2. The General Council is hereby authorized to transfer the assets heretofore administered by the Klamath Tribal Loan Board, to the approved organization, as provided for in this act, on such terms as may be approved by the General Council and the approved organization.

SEC. 3. Upon authorization of the General Council, the Secretary shall transfer to the duly authorized officer or officers of the approved organization all or any part of the funds of the Klamath Tribes held otherwise unobligated in the United States Treasury, and upon such transfer the Secretary's trust responsibility with respect to such funds shall thereupon cease: *Provided*, That the amount of funds to be so transferred shall be determined as of the date of enactment of this act.

SEC. 4. The approved organization is authorized to make loans only to members and associations of members of the Klamath Tribes for the promotion of economic development, educational advancement, providing financial assistance in case of illness, death, or other emergency, and for the maintenance and support of aged, infirm, and incapacitated members.

SEC. 5. For the purpose of providing adequate security for any loan made by the approved organization, the Klamath Tribes are hereby authorized to include in the securities mortgaged, pledged, or assigned therefor, in addition to any unrestricted real or personal property owned by borrowers, any lands, interests in lands, rights, funds, future per capita payments, and other distributions of tribal assets or other property, real, personal or mixed, or any nature whatsoever, belonging to individual Klamath Indians, regarded or classed prior to August 28, 1937, as trust or restricted Indian property.

SEC. 6. The statutes of the United States exclusive of this act, applicable to Indians, either collectively or individually, because of their status as Indians, shall not be applicable to said approved organization or to the borrowers therefrom with respect to their loan transactions with such organization.

SEC. 7. Consent is hereby given for service of process by the State of Oregon upon the Secretary through his representative, the Superintendent of the Klamath Agency, his successor or successors, as authorized by the Secretary, in connection with actions at law or suits in equity brought by the approved organization to enforce payment of loans in default or to effect foreclosure of collateral offered by borrowers as loan security, or such actions or suits involving assets of the borrower held in trust by the Secretary. The Secretary through his representative, as hereinbefore provided, is authorized to answer such process and appear and be heard in such actions or suits, on matters affecting the trust assets of borrowers to the extent such assets may be involved in said action or suit, and is further authorized to comply with such orders, judgments, or decrees as may be issued by any court of the State of Oregon having jurisdiction, which orders, judgments, or decrees affect trust assets of an Indian borrower from the approved organization, or the predecessor thereof.

SEC. 8. Sections 2, 3, 4, 5, and 6 of the act of August 28, 1937 (50 Stat. 872–873) and any other provisions of law in conflict herewith are repealed: *Provided*, That such repeal shall not be effective until the issuance by the Secretary of the Interior of a declaration by proclamation that an approved organization, as provided in section 1 of this act, has been established.

With the following committee amendments:

Page 2, line 3, after the word "Board", add the following language: "as authorized by section 2 of the act of August 28, 1937 (50 Stat. 872) and section 2 of the act of August 7, 1939 (53 Stat. 1253)."

Page 2, lines 8 and 9, strike the words "all or any part of the funds" and insert in lieu thereof the following: "not to exceed a total of $500,000 from the funds."

Page 2, change the colon to a period and strike the proviso beginning on line 12 and ending on line 14.

Page 2, line 23, preceding the word "Klamath" insert the words: "members of the."

Page 3, line 4, strike the word "or" and insert in lieu thereof the word "of."

Pages 3 and 4, strike all of sections 6, 7, and 8 and insert in lieu thereof the following new sections:

"SEC. 6. Any action growing out of a loan, or security given for a loan on trust or restricted funds and property, may be brought or maintained in any State court of competent jurisdiction, and the United States shall not be a necessary or indispensable party to the suit.

"SEC. 7. Borrowers from the approved organization shall be subject to the State criminal laws for any action or deed in connection with a loan or security given therefor.

"SEC. 8. Upon transfer of the funds, loans, and other assets to the approved organization in accordance with sections 2 and 3 of this act, sections 2, 3, 4, 5, and 6 of the act of August 27, 1937 (50 Stat. 872, 873) and section 2 (a) of the act of August 7, 1939 (53 Stat. 1252, 1253) are repealed."

The committee amendments were agreed to.

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

CIVIL AIR PATROL

Mr. JOHNSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 2274) to further amend the act of May 26, 1948, entitled "An act to establish Civil Air Patrol as a civilian auxiliary of the United States Air Force and to authorize the Secretary of the Air Force to extend aid to Civil Air Patrol in the fulfillment of its objectives, and for other purposes."

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first section of the act of May 26, 1948 (62 Stat. 274), as amended, is hereby further amended to read as follows:

"That the Civil Air Patrol is established as a volunteer civilian auxiliary of the Air Force. To assist the Civil Air Patrol in the fulfillment of its objectives as set out in section 2 of the act of July 1, 1946 (60 Stat. 346), the Secretary of the Air Force is authorized, under such regulations as he may prescribe with the approval of the Secretary of Defense—

"(1) to furnish to the Civil Air Patrol from available stocks which are excess to the requirements of the Departments of the Army, Navy, and Air Force, without regard to the Federal Property and Administrative Services Act of 1949, as amended, by gift, loan, or sale (A) major items of equipment, including aircraft, motor vehicles, and communication equipment, and (B) necessary related supplies, materials, training aids, and other equipment;

"(2) to procure and furnish to the Civil Air Patrol, without regard to the Federal Property and Administrative Services Act of 1949, as amended, such supplies, materials, training aids, and equipment as are required for the maintenance, operation, and support of aircraft and related major items of equipment. There are hereby authorized to be appropriated to the Department of the Air Force such sums as may be necessary to carry out the purposes of this subsection, but not to exceed $1,500,000 in any fiscal year. Assistance furnished under authority of this paragraph and paragraph (1) of this section shall be used only for the purpose of carrying out programs of the Civil Air Patrol authorized or approved by the Secretary of the Air Force, with the approval of the Secretary of Defense, for senior members, cadet training (including courses in aviation to be conducted in public secondary schools),

search and rescue, communications, civil defense, and necessary related programs. This subsection does not apply to any supplies, materials, training aids, and equipment found to be in short supply by the Secretaries of the Army, Navy, and Air Force, respectively.

"(3) to permit utilization of such services and facilities of the Air Force as in the opinion of the Secretary of the Air Force are required by the Civil Air Patrol to carry out its assigned mission;

"(4) to furnish to the Civil Air Patrol such quantities of fuel and lubricants as may be required by it for the purpose of carrying out those missions assigned by the Air Force;

"(5) to establish, maintain, supply and equip liaison offices of the Air Force at the National, State, Territorial, and not more than eight regional, headquarters of the Civil Air Patrol, and to detail and assign military and civilian personnel of the Air Force to such offices;

"(6) to detail military and civilian personnel of the Air Force to units and installations of the Civil Air Patrol to assist in the training program of the Civil Air Patrol; and

"(7) to authorize, in time of war or national emergency hereafter declared by the Congress or the President, payment of travel expenses and allowances, in accordance with the Travel Expense Act of 1949, for members of the Civil Air Patrol while engaged in carrying out any mission specifically assigned by the Air Force."

With the following committee amendment:

Page 2, beginning with line 14, strike out down to and including line 10, page 3.

The committee amendment was agreed to.

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

AGAIN EXTORTION

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, extortion and racketeering should be checked. Ever since the conviction of some of the Capone gangsters in the early forties, and no doubt long before, professional gangsters have levied tribute upon first one group and then another.

It is doubtful if, at any time since the lush days of the prohibition era when organized extortion was common, extortion has been so widely practiced as at present.

From the Atlantic to the Pacific, and from Canada to Mexico, there are few large industrial communities where professional extortionists do not ply their trade. Local authorities seem to be powerless, and only the strong hand of the Federal Government, through nationwide investigation and subsequent prosecution by able, courageous officials, will end or even slow it down.

A special subcommittee of the Committee on Government Operations, created by me and having jurisdiction to inquire into the interpretation and enforcement of the Federal antiracketeering statutes and the failure to enforce those laws, got a brief hasty glimpse at this vicious activity when it held hearings in Detroit and Kansas City.

Apparently for personal reasons, the Committee on Government Operations first killed that subcommittee, threw a red light which stopped it cold on the 25th of July, then for equally obscure reasons, after adding two additional committee members to the special subcommittee, gave it a green light to go to but two places—Detroit and Kansas City—for a limited time, to wit, 60 days, to continue its investigations.

The racketeers are powerful. They collect millions of dollars. Their wicked practices affect millions of people. Their network covers the United States. Sixty days of investigation confined to two cities will not begin to do the job.

Recently, my colleague, the gentleman from Michigan, GEORGE MEADER, in his news release No. 30, dated July 29, made the following comment:

GOVERNMENT OPERATIONS COMMITTEE

By a vote of 23 to 1 the Government Operations Committee of the House adopted a resolution giving protection to its subcommittees from the threat of extinction by the chairman of the full committee and curbing the chairman's authority to institute special "quickie" investigations without the knowledge and the approval of the members of the full committee.

This has been widely advertised in the press as stripping the chairman (CLARE E. HOFFMAN, of Michigan) of his rightful authority. It is nothing of the kind. It is merely the recapturing by the 30 members composing the Government Operations Committee of unusual and sweeping authority improvidently granted the chairman in the past. I had consistently opposed these unusual grants of power. However, in too few instances were my efforts successful.

When the chairman, on June 29, wrote a 4-page letter to the chairmen of 4 subcommittees instructing them in effect to suspend their investigations and go out of business, the committee rebelled against this tyrannical abuse of discretionary authority, and took steps to restore to the full committee and to the subcommittees the powers necessary for them to continue to discharge their responsibilities.

No more authority was granted or used by me than by other chairmen.

Then, for good measure, he added:

The Hoffman edict of June 29 would have stopped these efforts to curb socialistic enterprises of the Federal Government.

I issued no edict—George's trolley is off.

Unfortunately, what Mr. MEADER gave to the public and to his constituents is not in all respects consistent with the facts.

The Subcommittee on Executive and Legislative Reorganization and all the special subcommittees which I have created and directed, in all their investigations up to June 30, 1953, spent a total of $8,967.71, while the other four regular subcommittees during the same period spent $58,824.26.

The money spent under my direction was for so-called "quickie" committees which settled specific issues without delay, except that at Kansas City and Detroit we ran into a nationwide conspiracy to extort millions from the American public.

At no time did my activities conflict with those of the regular subcommittees.

Having been elected on an economy program, I thought that when Congress adjourned, the other 4 chairman of the subcommittees should curtail their activities, cutting down to 1 professional and 1 clerical employee during the adjournment, and my letter of June 29 asking that they curtail their activities was merely a request. The statement of the gentleman from Michigan [Mr. MEADER] that "The Hoffman edict of June 29 would have stopped these efforts to curb socialistic enterprises of the Federal Government," is not in accord with the facts.

A compromise between the twenty-odd employees they now have—paying a number as high as $11,664—would have been acceptable to me, but, instead, they, with the committee backing, especially with that of the Democrats who are happy to see Republicans dig into the Eisenhower administration for unsound practices which originated with Roosevelt or Truman, not only grabbed the authority to investigate in this and other countries, when and where and whatever they pleased, but the authority to name an indefinite number of employees at whatever salaries they might choose to name.

They went farther. First they killed, as of July 25, the subcommittee of which I was chairman and which was doing a good job of exposing racketeering. They later said that I might continue that investigation for 60 days if I limit action to two cities.

The effect of this action was to kill this contemplated exposure of racketeering and extortion, but I don't propose to quit unless all authority is taken from me.

That at least some people in Detroit and Kansas City do not agree with the decision of the committee to either limit or kill my efforts to expose to the public the wicked practices of these gangsters is evidenced by the communications which I received, some of which were quoted in the CONGRESSIONAL RECORD of July 17, pages 9095–9097. A few others read as follows:

[Letter]

As a representative of the Junior Chamber of Commerce of Kansas City, Mo., I want to express appreciation to you for your participation in the congressional hearings recently held in Kansas City relative to jurisdictional disputes in the building industry.

I am sure you know that this situation which was crippling to our local economy is now at an end.

I feel that your efforts were largely responsible in bringing about a back-to-work movement and want you to know that it is very heartening to private citizens to know that their congressional leaders were interested in such matters.

[Letter]

As a member of the board of directors of the Chamber of Commerce of Kansas City, Mo., please accept my thanks for the excellent work that has been done in Kansas City by your House of Representatives subcommittee.

I am sure that you have only scratched the surface, and no doubt all the citizens of Kansas City, including most of the people who belong to labor unions, would welcome

a complete investigation and a final conclusion to the racketeering which is taking place in Kansas City.

Again, accept our thanks for work well done.

[Letter]

You don't know me but I know you from your television appearance here in Kansas City in helping conduct the investigation of labor troubles.

I will admit that I felt at the beginning you were against labor, but as the committee progressed I felt that you really had the problem of the labor man at heart.

My husband is a member of the teamsters union, although his local is not involved. He was on his vacation and greatly appreciated your effort in conducting these hearings.

I have just read in the Kansas City Times the enclosed article. I want you to know that many of us feel that you should go on with these investigations. Don't let * * * get you down. We are Democrats, but we would like to see justice done in Kansas City.

I teach school here and I think it is high time that some of our industries, labor as well as management, should have a few ideas to guide them. I'm sure that all of them have gone to school and know ideals as they are taught in our public schools.

We feel you are an honest, upright man. Go on with your fight. Sometimes the odds seem too much, but I have found out from personal experience that we are not given more than we can bear.

[Letter]

I am a member of the board of directors of the Kansas City, Mo., Chamber of Commerce and have been in touch with the hearings conducted by the congressional committee of which you are a member. Absence from the city has delayed my writing you to express personal appreciation for the good you accomplished through these hearings. I am sure the trouble would not have been settled so soon had the hearings not been held.

I regret very much the circumstances that made it seem impossible to carry through to some finality the investigation started here at the hearings as I think this and similar instances must be curbed in some manner. No one wants to hamstring the union people I am sure, and certainly no one very close to construction activities. On the other hand, the pendulum has swung too far toward domination, control, and coercion on the part of the different crafts to such an extent that in my opinion it constitutes a national danger.

[Letter]

We were very much disappointed to learn that your investigation in Kansas City had come to an end and that they were being blocked by some opposing interests. We feel that a continuation of the investigation is most important. People in Kansas City and this community were shocked and amazed that conditions were so terrible. I think it is evident that union members do not control our leaders in some of the situations here and they are as anxious to get the matter cleaned up as the citizens are.

We feel that to discontinue the investigation at this time will be tragic. What you did was very constructive. Of course, left-wingers will scream and howl about the injustice of the whole thing. We feel that there is much that has not been learned—that you probably have just scratched the surface. We urge you by all means to continue the investigation. You can't let us down at this point.

[Letter]

I wish to thank you personally and as a member of the board of directors of the chamber of commerce of Kansas City for your participation in the recent congressional hearing in Kansas City.

This hearing could not do other than benefit this area and do much to correct the undesirable labor conditions that existed.

[Letter]

The businessmen in Kansas City would surely be remiss if they did not express their appreciation to you for your very fine assistance in making possible the recent congressional hearings in Kansas City. You possibly have heard that the building trades strikes are over and the people involved in the strike are now back at work.

Many thanks for your assistance to our chamber of commerce.

[Letter]

I want to congratulate you on your courageous work trying to bring the union leaders to their senses in the Kansas City hearing.

While not a member of any union now my sympathy goes out to the union rank and file who suffer from enforced idleness. In this little town 45 miles south of Kansas City there have been some of them—union men—who came to work in a hay field as they could not feed their children on the $15-a-week benefits. Business conditions have deteriorated in Kansas City, as we learn from numerous people living here and working in Kansas City as well as reports in Kansas City paper.

Some follow-up is needed after the hearings in Kansas City and I hope the investigating committee will not let the people down.

[Letter]

This letter is dictated on July 15, 1953, and we have just finished listening to the radio and heard that your inquiry has been canceled. We regret this exceedingly because we believe that you and a great many others who believe in America and in Americanism are doing a wonderful job exposing subversives in America.

We are not class conscious and we think that no matter where these un-American individuals exist, whether in labor, professional, ministry, or medicine, or in all other walks of life, they should be exposed to the public eye so that they be branded and that all may see.

[Letter]

As a director of the Kansas City Chamber of Commerce, I want to add my expression of appreciation to that of the entire membership of the chamber and thousands of other grateful Kansas Citians for your splendid cooperation in making possible and participating in the recent congressional hearing on the unfortunate labor situation in Kansas City.

The wisdom of holding the hearing has been well justified by the results obtained and I hope will have lasting benefits to our community, to labor, to industry, and to our national welfare.

[Letter]

Just a note to thank you for the splendid work done by you as chairman of the Government Operations Committee in connection with the congressional hearings held here recently in the building-trades jurisdictional disputes. The results were most worthwhile and we are highly appreciative.

[Postcard]

Wish to convey my sincere hope that you will reconsider on your stand to discontinue probes of racketeering in labor unions.

The people of our great country need what you set out to do now more than ever before.

[Letter]

As a director of the Chamber of Commerce of Kansas City, I wish to express my thanks for your participation in the congressional hearings in Kansas City relative to the jurisdictional disputes in the building industry.

I appreciate all you have done in this regard and am hopeful that you will follow through on this investigation.

[Postcard]

Thank you for what you have already done and please keep up the good work.

[Postcard]

I witnessed your hearings in Kansas City and want you to know I appreciate your efforts.

I think it is a pretty rotten deal that any authority that you had in trying to straighten out our mess was taken away from you. I sincerely hope that you will see fit to carry on these hearings.

[Letter]

As a director of the chamber of commerce of Kansas City, I want to express my appreciation for the recent labor hearings made by your committee here in Kansas City.

We are all confident that much good will accrue to this community because of these hearings held here, and which were widely publicized through television and newspapers.

We are all hoping that you will be able to continue the necessary follow-through of this investigation so that conditions that exist here and in other parts of our country may be corrected.

[Letter]

Never mind the critics who are ganging up on you in trying to make adequate replies leveled against the old Truman "spendergast" administration, as well as those now in power who do not see how they can save anything.

Your reputation is too well made to enable any of these "dealers" of some sort to make the slightest headway against you. I hope you will keep on shooting the works, for you have done this good land of ours an immeasurable amount of good.

[Letter]

* * * Note in the Star that the House Government Operations Committee canceled any further hearings on the Kansas City union labor situation, and this we are greatly disappointed in. Wish you could go ahead.

Thanks for all your efforts. You certainly do a splendid job, and the people of Michigan are fortunate to have a man like you.

[Letter]

My husband and I want you to know how very much we admire you for your work as a member of the congressional investigating committee.

We attended the hearing almost every day at the Federal courthouse, and you ask clear-cut and to-the-point question. * * * I believe you * * * had the nerve to face the racketeers.

Thank you for your wonderful work—and I want you to know there are many

people here who admire you—and who hope you won't stop now.

[Postcard]

I would like to join with all the honest, decent citizens of Kansas City in urging you to continue to help drive the gangster element out of this city. There is so little we can do—you can do so much.

[Letter]

Kansas City and the surrounding territory, as well as the Nation as a whole, was rendered a real service by you and your Committee on Government Operations when they joined in the hearing on our labor difficulties here in Kansas City, June 29 to July 3. On behalf of the chamber of commerce, I want to express to you our appreciation for this service to Kansas City.

[Letter]

The people who are victims of union tactics were terribly disquieted when they heard that you, too, were deserting them. After seeing you on television they had looked upon you as true friend.

Won't you take up their fight again?

[Telegram]

We urgently request your continuation of probe of Kansas City labor situation. The four freedoms must be protected for all decent-thinking, law-abiding people, whether labor or management. We look to you and committee to help rid our community of those men undermining our way of life and economy. Much time and money has already been spent. Let's not waste.

[Telegram]

As a citizen among many in the Kansas City area and former president of the Greater Kansas City Florist Association, the former chairman of the Merchants Committee of the Chamber of Commerce, North Kansas City and member of National Federation of Independent Business Incorporated, we beseech you to do the utmost in ending the building trades tieup in greater Kansas City. If needs be, let us put a ring around ring. This beloved country is too important to subscribe to the local talent with a zeal for power and domination. The general welfare is paramount regardless of personalities. Opportune for modification of Taft-Hartley Law to serve the general union membership.

[Letter]

First of all I want to thank you for what you have done and are doing in helping to end this terrible situation here in Kansas City. We just need a lot of men like yourself. Not because you love a fight, I don't think, but because you are man enough and have enough of the good old American spirit to help put an end to such disgraceful practices, as has been and no doubt will continue if something drastic isn't done.

We are in the building business of small homes here and have a small lumber yard—and are trying to complete a subdivision. People ask us when are you going to get your subdivision completed? Our answer is if you can tell us when these strikes are going to stop and 25,000 people can get back to work and continue on their jobs, and we can get financing, then I can tell you when we can get some houses built. To my amazement when I went to the Missouri Bank at 917 Walnut, Kansas City, Mo., this week and was told by Mr. Joe Kessinger that on account of the Kansas City strikes that none of the banks here who have to sell their loans were making FHA loans—for they had to sell them at $96.50 even with the increased interest rate—for when people called and said we can't make our house payments as my husband is out of work. Repossessions on cars is terrific. Grocery stores, filling stations closing. In fact Kansas City is going to be ruined if there isn't something done and quick.

A man such as you are is our only salvation. Please continue on for the millions of innocent people that you will help regardless of what anyone says to hurt your feelings.

A few of the communications which came in during the hearings read as follows:

[Letter]

It was with great pleasure and relief that I read this morning's Kansas City Times which stated you are continuing the strike probe.

Please accept our sincere thanks for this great favor you are doing in our community and to the Nation.

[Letter]

I found the hearings in regard to the investigating of crime in Kansas City very interesting and I think that you and your committee did a very excellent job. No doubt these hearings will produce some desirable results in cleaning up a nasty situation.

[Letter]

Am writing you in regards the hearing at Kansas City, Mo. We watched most of the hearing on television. Mr. HOFFMAN, I wish to thank you for the stand you took. I feel grateful to you and I know that there are still plenty honest people living who felt the same as I do.

* * * * *

I wish we had more men like you that have nerve to tell the things that should be told. Mr. HOFFMAN, I wish to thank you.

[Letter]

This city should thank you for the splendid investigation held recently in regard to the labor situation. Thank you.

[Letter]

I don't know how many people in the Kansas City area will take time to write and thank you and your committee for the work you did here. My husband and I were with several different groups over the holidays and my husband's business takes him into all parts and nearly every business in the Kansas City areas, and, of course, the topic of all talk was the investigation, and I want to tell you that everyone and I mean everyone said if we had more Representatives like you and less like * * * this country wouldn't be in such a mess.

* * * * *

Again let me thank you and your committee for the fine work you did.

[Letter]

As a citizen of Kansas City, Mo., I want to compliment you and your committee * * * for the splendid manner in which you exposed the racketeering tactics of the labor element in this city.

I am not of the employer class but I recognize the fact that the ultimate cost comes off me as a consumer and taxpayer. Also we deplore the disgrace of not supporting our boys in Korea by permitting these shutdowns of vital material. That is inexcusable.

I hope some sort of practical legislation can be enacted to curb the outrages of the labor leaders and to protect the general public.

[Letter]

Want to extend my and other persons thanks for the good work that you started in Kansas City. We are all sorry that it was necessary for you to leave just at the time that you really would have done great good. However we have your promise that you will return and at that time you can complete your work.

* * * * *

The writer was a union man for 20 years and now retired but does not condone such practices as now going on and it wouldn't be going on if it were not for a lot of unprincipled politicians. Thanks for such men as Senator TAFT and yourself.

[Letter]

I was greatly impressed by the shrewd, efficient way you conducted your part in the investigation of labor troubles here, which is a pattern of labor troubles generally; tyrannical labor bosses with armed guerrilla bodyguards, goon squads, terror, brutality, intimidation.

* * * * *

By such methods, union leaders have robbed millions of workmen of the freedom of choice. To get a job and be safe from violence, workers have to join a union and pay excessive dues. If their freedom was protected by their Government, as stated in the Constitution of the United States, the unions would lose one-third of their membership.

* * * * *

With the greatest respect and admiration for your work, I am.

[Letter]

It was gratifying to see someone who would stand up and fight these thugs and to try to do something about their violence.

* * * * *

Some think here the teamsters union will have every car owner carrying a card and paying dues, unless strong action is taken.

[Telegram]

Liberty is the air America breathes (a quote). Kansas City is dominated by hoodlums in all laws allowed to free men. We breathe the air of fear and injustice. What is going to be done about it?

[Telegram]

We, as two individuals in Kansas City, Mo., certainly appreciate the investigating committee bringing to our attention the conditions within our city. In effect, we would enjoy having fair and honorable collective bargaining without violence on the part of those who are now in power and the men who can beat workers with chains brought to justice so that our workingclass may provide for their families in a free, American, democratic fashion.

[Letter]

This is to express thanks to you for coming to our city. I watched you on a large television screen. You expressed intelligence, honesty, determination, humor, kindness.

[Letter]

I am a housewife, one of hundreds who saw and heard you and your committee on WDAF–TV here in Kansas City, Mo., recently investigating labor racketeering. Your committee did a good job of bringing this racketeering out in the open where everyone could see and hear what was going on. Now, please, don't let us, the people,

down; we are depending on you and the committee. If you do have to crawl back to the committee to get authority as was stated in the Kansas City Star, it will be worth it.

Mr. HOFFMAN, I know you are big enough to do just that, too; so let's start crawling and more power to you. I am sure in the end the people will all be for you and with you. Let's do it for our country, America. Let's keep crawling to save our country and our people if we have to. And may God bless your every effort, Representative HOFFMAN, in reopening the Kansas City, Mo., and Detroit hearings.

The foregoing seem to show the hearings should be continued.

An article from yesterday's issue of the New York Post by a writer who certainly is no well-wisher of mine, gives just a slight, a very slight, glimpse of the overall picture. It shows that at Detroit we did, at least, open the door just a crack to let the folks see what is going on in the back room. That article reads as follows:

GOLDEN BOY

(By Murray Kempton)

For reasons anything but esthetic, the frontispiece of the June issue of the AFL International Teamster is covered with a portrait of Dave Beck and a friend. It is a picture reeking with trust and confidence; one of Beck's rapacious claws rests on his friend's left hand, the other is around the friend's shoulder.

Dave Beck and friend are looking into the camera and the endless frontiers beyond it. Dave and the friend are pals. The friend is James R. Hoffa, vice president of the teamsters union and Beck's unchallenged chief of staff.

Jimmy Hoffa has prospered mightily since Beck became president of the country's largest labor union. He is president of the Southern Conference of Teamsters and the Central States Conference of Teamsters, and is his union's chief negotiator for 25 States. He is Dave Beck's "golden boy."

Last June 13, Hoffa was called before a congressional committee hearing in Detroit, his native heath. He refused to answer some very strange questions. The strangest related to his net worth.

He was asked whether he held any financial interest in the Testfleet Corp., and the National Equipment Corp., both trucking outfits. He was also asked whether his wife had once been a $100-a-week nonfunctioning employee of Detroit Teamsters Local 985, a dubious quantity.

A labor leader of substance might be expected to burst forth in honest indignation at the implication that he held a financial interest in firms under his jurisdiction or that he would use his wife as a dummy in payroll padding. Hoffa was much more self-contained.

He said he would answer no questions about his outside income. He did not hide behind the fifth amendment but said only that such matters were outside the scope of the committee's inquiry, which was labor racketeering. By the standards of what has happened to a good many obscure Commies, it was flat contempt of Congress; but, more than a month later, there has been no sign that Hoffa will be cited.

The questions Hoffa did answer had their points of interest. Wiliam Buffalino, a former business associate of the flower of the Detroit Purple Gang and present business manager of local 985, went to the hospital the day after his subpena and remained there until the committee departed. In his absence, Hoffa was asked to explain why all of local 985's 1952 financial records had been destroyed.

Hoffa said he himself had ordered the records destroyed, "so we wouldn't have too much to store." The reason speaks for itself; but it is a pity that no one will ever know about the books of the local that controls Detroit's juke boxes.

Before he became its president, Buffalino had run a jukebox company himself. He left, in his own words, "because it wasn't a prosperous business." The local seems to be a prosperous business. Its dues are $20 per capita a month, payable not by the employee, but by his boss. The local was originally set up in conjunction with an employers' association; it pickets out of business any employer not affiliated with the association.

A Detroit grand jury found in 1946 that local 985 had been set up by the employers themselves with the help of one William Presser, a Cleveland AFL character. Presser collected $5,000 for his counsel; one witness said that Presser had told him that some of it was for Hoffa. After the local was formed, Hoffa's wife went on its payroll for $100 a week.

All of which takes on a certain current interest in view of the fact that this same Presser has become president of the Ohio teamsters since Hoffa took over their supervision.

The committee which called Hoffa is headed by CLARE HOFFMAN of Michigan, the wildest reactionary in the House. But, HOFFMAN aside, the facts are the facts.

Such is the friend of Dave Beck's bosom.

PRIVATE CALENDAR

The SPEAKER. The Clerk will call the first bill on the Private Calendar.

DENNIS F. GUTHRIE

The Clerk called the bill (H. R. 3232) for the relief of Dennis F. Guthrie.

There being no objection, the Clerk read the bill, as follows:

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, the sum of $101.30 to Dennis F. Guthrie, of 48 South Fairview Street, Roslindale, Mass., in full settlement of all claims against the United States for the loss of his personal property, which was destroyed during his service on the Mexican border at the time of the so-called second Galveston flood, on August 16, 1915: *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 bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNY DEL CURTO

The Clerk called the bill (S. 52) for the relief of Anny Del Curto.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Anny Del Curto shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee.

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

IRENE EZITIS

The Clerk called the bill (S. 228) for the relief of Irene Ezitis.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Irene Ezitis shall be held and considered to be the minor child of her mother, Mrs. Ilga Ezitis, a lawful permanent resident of the United States.

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

GIUSEPPE ORSI

The Clerk called the bill (S. 312) for the relief of Giuseppe Orsi.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Giuseppe Orsi, shall be held and considered to be the natural-born alien child of Celestino Orsi, a citizen of the United States.

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

CHARLES CHARDON BROOKS

The Clerk called the bill (S. 561) for the relief of Charles Chardon Brooks.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Charles Chardon Brooks, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Shepherd Brooks, citizens of the United States.

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

DR. JOSE MONTERO

The Clerk called the bill (S. 1366) for the relief of Dr. Jose Montero.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Dr. Jose Montero shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in 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.

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

AKEMI TERADA

The Clerk called the bill (S. 1516) for the relief of Akemi Terada.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Akemi Terada, shall be held and considered to be the natural-born alien child of Sgt. Samuel P. Jackson, a citizen of the United States.

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

COMPENSATION TO DEPUTY ADMINISTRATOR, RFC

The Clerk called the bill (S. 2104) to authorize the payment of compensation to Clarence A. Beutel, formerly Deputy Administrator of the Reconstruction Finance Corporation, for the period from September 10, 1952, through June 1, 1953.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 1761 of the Revised Statutes, as amended (5 U. S. C. 56), the Reconstruction Finance Corporation is authorized to pay to Clarence A. Beutel the compensation earned by him as Deputy Administrator of the Reconstruction Finance Corporation from September 10, 1952, through June 1, 1953.

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

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the concurrent resolution (S. Con. Res. 41) favoring the suspension of deportation of certain aliens.

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

Mr. BROOKS of Louisiana and Mr. ROBERTS objected and, under the rule, the bill was recommitted to the Committee on the Judiciary.

TWO MISSIONARY SISTERS, SERVANTS OF THE HOLY GHOST

The Clerk called the bill (H. R. 687) for the relief of two missionary sisters, Servants of the Holy Ghost.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Sister Walfreda (Anna Nelles) and Sister Amaltrudis (Gertrude Schneider) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the appropriate quota for the first year that such quota is available.

With the following committee amendments:

Page 1, line 3, strike out "immigration and naturalization laws" and insert "Immigration and Nationality Act."

Page 1, line 9, strike out "fee and head tax" and insert "fees."

The committee amendments were agreed to.

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

The title was amended to read: "A bill for the relief of Sister Walfreda (Anna Nelles) and Sister Amaltrudis (Gertrude Schneider)."

A motion to reconsider was laid on the table.

SHUI-FOOK FUNG

The Clerk called the bill (H. R. 749) for the relief of Shui-Fook Fung.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Shui-Fook Fung shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this act, upon the payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in 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.

With the following committee amendments:

Page 1, line 3, strike out "immigration and naturalization laws" and insert "Immigration and Nationality Act."

Line 8, strike out "and head tax."

The committee amendments were agreed to.

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

KATINA PANAGIOTI FIFFLIS AND THEODORE PANAGIOTOU FIFFLIS

The Clerk called the bill (H. R. 1129) for the relief of Katina Panagioti Fifflis and Theodore Panagiotou Fifflis.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Katina Panagioti Fifflis and Theodore Panagiotou Fifflis, shall be held and considered to be the natural-born alien children of Nicholas Th. and Maria Fifflis, citizens of the United States.

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

ZIA EDIN TAHERI AND FRANCES HAKIMZADEH TAHERI

The Clerk called the bill (H. R. 1346) for the relief of Zia Edin Taheri and Frances Hakimzadeh Taheri.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Zia Edin Taheri and Frances Hakimzadeh Taheri shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the appropriate quota for the first year that such quota is available.

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

MRS. CLEMTINE DE RYCK

The Clerk called the bill (H. R. 1516) for the relief of Mrs. Clemtine De Ryck.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Mrs. Clemtine De Ryck may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice have knowledge prior to the enactment of this act.

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

MARIGO TH. TSIPOURA

The Clerk called the bill (H. R. 1753) for the relief of Marigo Th. Tsipoura.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Marigo Th. Tsipoura shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in 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.

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

YUICHI MATSUMOTO

The Clerk called the bill (H. R. 2628) for the relief of Yuichi Matsumoto.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Yuichi Matsumoto, shall be held and considered to be the natural-born alien child of Harry Wagner, a citizen of the United States.

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

NICKOLAS K. IOANNIDES

The Clerk called the bill (H. R. 3045) for the relief of Nickolas K. Ioannides.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Nickolas K. Ioannides shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in 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.

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

JOHN JAMES T. BELL

The Clerk called the bill (H. R. 3280) for the relief of John James T. Bell.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, John James T. Bell may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice have knowledge prior to the enactment of this act.

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

JOHN HATGEGEORGE

The Clerk called the bill (H. R. 5552) for the relief of John Hatgegeorge.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, John Hatgegeorge, shall be held and considered to be the natural-born alien child of Mr. and Mrs Nicholas Chenes, citizens of the United States.

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

The SPEAKER. That completes the call of the Private Calendar.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Ast, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2828) entitled "An act to amend the act of Congress of September 3, 1935 (49 Stat. 1085), as amended."

The message also 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. 6200. An act making supplemental appropriations for the fiscal year ending June 30, 1954, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BRIDGES, Mr. FERGUSON, Mr. CORDON, Mr. SALTONSTALL, Mr. HAYDEN, Mr. RUSSELL, and Mr. MCCARRAN to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2249) entitled "An act to enable the President, during the period ending March 15, 1954, to furnish to peoples friendly to the United States emergency assistance in meeting famine or other urgent relief requirements"; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. AIKEN, Mr. YOUNG, Mr. THYE, Mr. ELLENDER, and Mr. HOEY to be the conferees on the part of the Senate.

EUGENE DeTHASSY

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6649) for the relief of Eugene DeThassy.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That for the purposes of the Immigration and Nationality Act, Eugene DeThassy shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in 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.

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

JOSEPH CERNY

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6650) for the relief of Joseph Cerny.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Joseph Cerny shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in 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.

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

HEDWIG MAREK AND EMMA ELIZABETH MAREK

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 61) for the relief of Hedwig Marek and Emma Elizabeth Marek.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Hedwig Marek and Emma Elizabeth Marek, the fiancée and minor child of Charles A. Jones, a citizen of the United States, shall be eligible for visas as nonimmigrant temporary visitors for a period of 3 months: *Provided*, That the administrative authorities find that the said Hedwig Marek is coming to the United States with a bona fide intention of being married to the said Charles A. Jones and that they are found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Hedwig Marek and Emma Elizabeth Marek, they 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 241 and 242 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Hedwig Marek and Emma Elizabeth Marek, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Hedwig Marek and Emma Elizabeth Marek as of the date of the payment by them of the required visa fees.

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

AGOSTINO GIUSTO

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 672) for the relief of Agostino Giusto.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child Agostino Giusto, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Gerolamo Giusto, citizens of the United States.

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

CHRISTINA PANTELIS TRIANTAFILU

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1704) for the relief of Christina Pantelis Triantafilu.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child Christina Pantelis Triantafilu, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Henry W. Lewis, citizens of the United States: *Provided*, That the said minor child is adopted in Greece by the said Mr. and Mrs. Henry W. Lewis within 1 year following the effective date of this act.

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

AMENDING THE NATURAL GAS ACT

Mr. ALLEN of Illinois. Mr. Speaker, I call up the resolution (H. Res. 354) providing for the consideration of H. R. 5976, a bill to amend section 1 of the Natural Gas Act.

The Clerk read the resolution, as follows:

Resolved, That 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. 5976) to amend section 1 of the Natural Gas Act. After general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, 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. ALLEN of Illinois. Mr. Speaker, I yield 30 minutes to the gentleman from Virginia [Mr. SMITH].

I now yield myself such time as I may require.

Mr. Speaker, I rise to urge the adoption by this body of House Resolution 354, making in order the consideration of the bill, H. R. 5976, to amend section 1 of the Natural Gas Act.

House Resolution 354 provides for an open bill with 1 hour of general debate on the bill itself.

Mr. Speaker, this bill seeks to clarify the Natural Gas Act by specifically pointing out the limits of the Federal Power Commission's jurisdiction over the operations of companies engaged in local distribution within a State of out-of-State natural gas, when it had been received by the company at or within the State borders.

This bill, if passed would be consistent with the intent of Congress all along that the Natural Gas Act was to supplement and not supplant State regulation.

As the situation stands now in some States, there is unnecessary duplication of State and Federal jurisdiction. In the famous East-Ohio case, for example, the Federal Power Commission claimed the right to regulate the activities of certain companies who distribute their supplies of natural gas entirely within the State and the decision of the Supreme Court upheld the Commission. H. R. 5976 seeks to rectify this situation, and I hope that the House will adopt the rule which will make consideration of this bill possible.

I now yield 5 minutes to the gentleman from Oregon [Mr. ELLSWORTH].

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

Mr. ELLSWORTH. For what purpose?

Mr. YATES. I just wanted to make a reply in response to the chairman of the Rules Committee that there is opposition to the bill. As a matter of fact, the chairman of the Committee on Interstate and Foreign Commerce is opposed to the bill.

Mr. ELLSWORTH. The chairman is?

Mr. YATES. I mean the former chairman; the ranking member.

Mr. ELLSWORTH. Mr. Speaker, I have asked for this time for the purpose of entering into a little discussion and then making an announcement regarding the bill H. R. 4646, which was introduced earlier in the session, and which has for its purpose merely allowing a person whose land has been taken from him by the Government to be repaid in land instead of money. It is a very simple bill, but at the time the hearing was held on the rule there appeared considerable objection from severable Members of the House. It appeared that it would be unfair to them and to the Members of the House if any attempt were made to call up the rule and press for action on this bill at this time. It is not my desire to do any such thing. I want to be sure that all Members have ample time to know all about this bill when it is brought up. However, it is a very minor matter.

If those who are opposed to the bill will work with the author of the bill and with all concerned during the congressional recess, and will not oppose the bill in January but assist in its passage, I will be glad to withdraw the request that it be brought up now.

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

Mr. ELLSWORTH. I yield to the gentleman from Pennsylvania.

Mr. GAVIN. I want to compliment my friend on the action he has taken. I know his interest in our national forests is as great as any Member of Congress. He is a great American. He has always been fair in all matters, and by his work in Congress has won for himself the hearty commendation of the membership on both sides of the aisle. The people of Oregon are well represented by the gentleman from Oregon. I want to assure my friend that when Congress reconvenes in January all of those who have opposed this legislation will be only too pleased to cooperate with him to work out some legislation that will be satisfactory to all concerned.

Mr. ELLSWORTH. I thank the gentleman. I am convinced that we all have the same objective. There seems to be a difference of opinion regarding the manner in which the objective shall be achieved.

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

Mr. ELLSWORTH. I yield to the gentleman from Montana.

Mr. METCALF. I was one of those who appeared before the Rules Committee in opposition to this bill. It provides for an exchange of land, operating under the sustained-yield program of the Forest Service. I commend the gentleman for entering into this agreement, and I want to assure him that I will do all in my power to work out the real problems and work out the inequities that we know to exist and at the same time protect the Forest Service and the national forests and their multiple use.

Mr. ELLSWORTH. The gentleman does agree with me that there is need for legislation that would accomplish these objects?

Mr. METCALF. There is a very real problem. I have one in my own district, and I know the gentleman from Oregon [Mr. ELLSWORTH] has one in his district.

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

Mr. ELLSWORTH. I yield.

Mr. DEANE. I, too, join with my colleagues from Pennsylvania and Montana in commending the gentleman for the position he has taken in this matter. It occurs to me whether or not during the interim between now and the first of the year it will be possible to get some reaction from the State forestry agencies and the people who are concerned with the conservation programs?

Mr. ELLSWORTH. I am sure there will be ample time to be in touch with every agency interested in this matter; and I think when the objectives of the bill are fully realized the people will support it heartily.

Mr. DEANE. I want to thank the gentleman for the splendid position he has taken on the matter.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. ELLSWORTH. I yield.

Mr. MILLER of California. I hope we can work out this problem. I realize the necessity for this legislation, but I hope due consideration will be given to the protection of the rights of the recreationists and sportsmen in the use of these forests.

Mr. ELLSWORTH. I think that is a very worthwhile objective and I will be very glad to have the gentleman confer with me about it.

Mr. MILLER of California. I may say as a former executive officer of the California Conservation Commission that we received many letters from conservation groups showing great interest in this subject.

Mr. ELLSWORTH. I think all these people are unduly alarmed, and that is the reason I am not going to press for action on the bill at the present time even though a rule has been granted and consideration of the bill is in order. I want it thoroughly considered and thoroughly understood by all parties interested or affected.

Mr. DAWSON of Utah. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. DAWSON of Utah. Mr. Speaker, this Congress has made a good record for economy. I am proud of the fact that

I supported the Appropriations Committee in every instance where it recommended a cut in the budgets of Federal agencies. However, there is one instance where I feel the Congress has been remiss. I refer to salaries of our postal employees.

It has been reported that in some areas as many as 42 percent of our post-office employees must hold parttime jobs in order to make ends meet. My mail from home indicates that this percentage is not an exaggeration. I feel that I have not met my responsibility as a Congressman until I do something to see that the workers in this most important of all Government departments are granted a living wage.

I understand that the House Post Office and Civil Service Committee has held up bills granting postal employees their first wage increase in 2 years pending a report from the Postmaster General. I sincerely hope that this report will be on the desks of Congressmen when we reconvene after the autumn recess. No matter how much the new Postmaster General improves the mechanics of postal operation, he will not achieve greater efficiency in the handling of the mails if the employees of our post offices arrive at work tired from outside labor they must now accept if they are to support their families. Certainly, the employees of the oldest Government service are justified in their request to us for a living wage.

I hope that when we return to Washington after the summer recess we will have a complete report on this matter so that we can take up the subject of granting postal employees a reasonable increase in salary.

In this regard, I want to include in my remarks, a letter I sent today to the Honorable Arthur Summerfield, the Postmaster General:

HON. ARTHUR SUMMERFIELD,
Postmaster General,
Washington, D. C.

DEAR MR. SUMMERFIELD: The postal employees in my State have written me hundreds of letters pointing out that they have not had a general salary increase for more than 2 years. I am informed by the House Post Office and Civil Service Committee that bills to grant them an increase have been held up pending a report from your Department.

I understand that your Department is now in the process of making a complete study of the operation of the Post Office Department with a view to increasing its efficiency and improving working conditions of its employees.

I am looking forward to receiving a report on your final recommendations and I want to take this opportunity of recommending that the study include a survey of present salary schedules of postal employees in comparison with wages paid for similar work in comparable communities.

Mr. SMITH of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Speaker, the greatest evil, which throughout all human history, has oppressed mankind is the unjust distribution of wealth among those who have helped in any way to produce it. Many plans have been tried and efforts made in the hope of ending forever the monstrous evil, the evil already defined as the unjust distribution of wealth and which is the basic cause of strife among individuals and strife among the nations. It is the fundamental cause of personal immorality, including dissipation in drink, improper sexual conduct, causes the tendency to steal, to lie, to deceive, and so forth.

Throughout the ages, human beings have toiled and struggled to produce what is needed for human existence and then have been compelled to look on while those doing little that is required to produce the goods so necessary to human life and comfort, yes, compelled to witness the comparative few lolling in luxury and ease while enjoying that to which they had contributed little or nothing to produce.

A careful analysis of this evil and its cause leads us to the inevitable conclusion that the unjust conditions and laws relating to the possession and use of portions of the earth is the fundamental cause of the unjust distribution of what is produced from that earth, which has well been defined and designated as the Creator's heritage or bounty to the human race.

To illustrate the evil of the practice just mentioned, let us suppose that we are at the beginning of human history and there is only one person on earth. That one person, whether he is named Adam, John, Sam, or otherwise, having human desires to satisfy, would naturally and inevitably choose for his use that portion of the earth which would produce, by his labor, more of the commodities desired by him than would any other part of the earth of like dimensions. He proceeds to make use of the portion of the earth selected by him, which, for whatever reason, is the most productive. Then comes along another person who looks at that part of the earth which the first man has chosen, and instantly he sees that the part of the earth possessed by the first man will produce, by a certain amount and quality of labor, much more of valuable commodities than the next best part of the earth of equal size, and, therefore, complains about the first man having appropriated for himself a part of the earth that will produce for him far more than by the same amount of labor could be produced from the next best tract of equal size. Now, certainly justice, which means that which is right, will say that the earth is the heritage, the gift of the Creator to the human race for enjoyment by them in accordance with the principle of equal rights to every individual.

If our supposed 2 men are intelligent persons, they will agree that whatever, by the application of the same amount and quality of labor per year, tract No. 1, possessed by the first person, will produce in excess of what a like amount and quality of labor produces during the same time, from tract No. 2, should, in all fairness and justice, be the common property of the 2 men.

When we speak of the earth, of course, we speak of the earth and all the resources embodied in the earth, including minerals, metals, petroleum, gas, and the innumerable other elements which are also of value to the human race.

It is therefore clear that the part of the earth selected by the supposed first person on the earth, would have superior productive power, either because of its location, its embodiment of iron ore, petroleum, natural gas, or of any of the many other elements which are so valuable to the human race, and the same principle of justice should and must apply ultimately in the control of all the earth and thus to each and every person his just share of the total of the yearly production from the utilized parts of the earth.

This principle would assure the just distribution of the value of the products of the earth, whether on the one hand its inhabitants were two in number, as assumed in our illustration, or on the other hand, there were two billion persons engaged in utilizing the earth. In other words, economic rent belongs in common to all the people.

Economic rent may be defined as the amount justly due to society for the privilege of possessing a certain part of the earth or natural resources. Economic rent, therefore, would be the amount of wealth produced by a certain application of labor, from a specified part of the earth, from the natural resources, in excess of what the same amount and quality of labor would produce from the least productive part of the earth previously appropriated or monopolized.

In accordance, therefore, with every principle of morality and justice, the economic rent of all the land in any country, with its natural resources, belongs in common to all the people of that country and should be used for their common benefit.

If the economic rent of all of the earth, included within the limits of the United States, were collected by public authority to defray public expense and for the general benefit of the public, the reign of justice would soon be manifest, and everywhere its blessings would be realized. Men's attitude toward one another would then cease to be that of meanness, suspicion, hatred, jealousy, envy, and so forth, because all men would then understand that under the true order no human being could or would deprive his brother of his just share of what he had helped to produce.

Then man's feeling of brotherhood for his fellowmen would soon be evidenced by the joyous association of all men with their fellows.

As I have said, mankind for ages has tried to overcome the most far-reaching and distressing evil, the unjust distribution of wealth. They have organized themselves into groups to battle for their fair share of what they helped to produce, but the reign of justice is not yet. We hear a great deal nowadays about free enterprise, but let me say that as long as it is possible for special-privilege seekers to have monopolistic control of the earth or any substantial part of the earth and its resources, we can have no really free enterprise.

To illustrate what I have just said, let us suppose, as an extreme illustration, that Mr. X were the sole owner of the North American Continent, and

some person should ask him for the privilege of utilizing a part of it. Knowing that his terms must be accepted, Mr. X could tell such person that he could utilize the particular part of the earth which he may desire to use, on condition that, from what he might produce, he would turn over to Mr. X all, in excess of what would be necessary to keep him alive and able to work. If the person should refuse Mr. X's terms, Mr. X could say "keep off of my land; you can jump into the Atlantic or Pacific." If Mr. X, or even a privileged few, had such absolute ownership and therefore power, what good would it do, for those seeking the privilege of using part of the continent, to talk about free enterprise? With the continent and the resources entirely controlled by Mr. X, or a few like X, all that the remainder of the people could do would be to engage in a scramble for the largest share of the crumbs falling from the table of those having monopolistic control. This would be all that free enterprise could assure people so long as they are the victims of such special privilege.

Careful consideration of what I have said as to the cause of the unjust distribution of wealth, will make it very clear why, instead of seeking a monopoly of so-called personal property, those, with a frenzy for great material wealth, eagerly grab for the ownership and control of valuable parts of the earth, itself, with its underlying and exceedingly valuable resources. The frantic efforts of those who covet monopolistic control of natural resources, is due to the fact that it enables them to reap without sowing, to gouge the consumers by reason of their control of the source and the only source of what are absolute necessities for the life and welfare of the human race.

My friends, it is evident that the bloated interests, seeking more complete control of the natural gas resources, realize that they have failed to justify their demand on the basis of moral principle or sound political economy, and they now are anxious to avoid any discussion of their purpose on the basis of principle.

Although they have waxed fat on the resources already secured, yet, in their continued frantic efforts to secure even a substantial part of the remaining gas underlying the earth, they now in desperation assert that a legal question only is involved. Now, they chirp about States rights. From a legal standpoint, however, their case lacks merit as completely as it has been shown to be lacking in moral principle and not in accordance with sound political economy.

Let us consider the legal question.

According to international law, England was recognized as having a valid claim to the North American Continent by virtue of the voyages of John and Sebastian Cabot. Since England's title was recognized as valid by the governments of the earth, the new territory accordingly acquired the system of law prevailing in England. That is to say that the common law of England became the law of England's new country, North America. One of the very important features of the law of England was the feudal system of land tenure.

The great English authority on law, Sir William Blackstone, used the following language:

> It is an undeniable principle of law that all the lands in England are held immediately by the King.

It was held, of course, in trust for the people of England. According to the language of the law in the time of Blackstone, the sovereign power meant the supreme authority of the country.

It follows as a matter of course that in whatever part of the earth the governmental authority of England was established and recognized, the English system of law became the law. The law of England, including the feudal principle of land tenure, was recognized as in as full force and effect in the new country as it was in Old England itself.

England granted charters to local communities in North America for their government, and England's system of law continued under such charters. The fact is that when the people of what later became the United States, began to complain and protest against oppression, their complaint was in general to the effect that they had been denied what had always been known as the rights of freeborn Englishmen. It was clear, therefore, that the successors in authority to British officials, felt that they were upholding and should uphold the rights which they felt were and should be the inheritance of every citizen of the then most-advanced country in the world, namely, England.

In view of the facts just pointed out it is clear that the common law of England, including the principle embodied in the feudal system of land tenure, was recognized as the law by those exercising governmental authority in America. The feudal system, according to the English law, provided that the title to all that part of the earth within the confines of the English realm was in the King, that is to say that it was held by the sovereign power in trust for all the people of England. That principle is certainly founded on sound reason and logic.

In support of the philosophy of this principle, let me quote from the basic and scholarly work entitled "The Theory of Human Progression" by P. E. Dove. On page 307 of Dove's book the following statement appears:

> No truth can be more absolutely certain as an intuitive proposition of the reason, than that "an object is the property of its creator"; and we maintain that creation is the only means by which an individual right to property can be generated. Consequently as no individual and no generation is the creator of the substantive earth, it belongs equally to all the existing inhabitants. That is, no individual has a special claim to more than another.

On page 245, Dove says further:

> The radical evil, the grand masterpiece of mischief, that requires to be corrected, is the alienation of the soil from the Nation, and the taxation of the labor of the country.

The foregoing reasoning of the author, Dove, underlies and fully supports the feudal system.

His reasoning, as I have shown in another discussion, relating to the proper control of sources of petroleum, is equally unanswerable when applied to the proper control of our gas resources.

It is as interesting to note that Thomas Jefferson, the greatest political philosopher among the Founding Fathers, said:

> It seems * * * to be a principle of universal law that the lands of a country belong to its sovereign as trustee for the nation.

No, neither freedom of initiative, nor really free enterprise can be assured so long as we thoughtlessly allow the continuance of practices which permit a few to monopolize the earth and its resources to which man, on just terms, must apply his labor, in order to produce the commodities necessary for mere existence and obviously required for his physical comfort and pleasure.

When, however, there will be paid into the people's treasury, into the hands of trustees for all the people, the yearly value of the possessing land and its resources and with assurance to all the people of the full benefit of their equal rights therein, then will our people be free to devote their energies, their ingenuity and resourcefulness, to the business of producing commodities desired by them, and that too at a satisfactory profit.

Assured of absolute justice as to the tenure and use of the land and resources in his possession, no one will be compelled to attempt competition, handicapped by the fact that his rivals have monopolistic control of the natural resources from which goods must be produced by the application of their labor, while he is without possession of such resource.

Although somewhat encumbered by excessive material wealth, acquired through monopolistic control of the resources provided for the common good, but denied the people by unjust human laws, some of such favorites of special privilege, perhaps because of troubled consciences, display their religious activities and stress the correctness of their conduct. Surely proper religious conduct requires due respect for and obedience to the just laws of the Creator. Certainly such favored persons, or at least any who are thoughtful, must understand that the earth is not the work of human beings, but is the heritage provided by the Creator for the equal benefit of all mankind. How long then will be denied the right of all to benefit equally in that heritage, the sacred right of all persons?

Is it not, therefore, in violation of true religion, which is after all the law of creation, and is it not a sin, on the part of such violators, to deprive their fellow men of their just rights, even if excused by human laws which are opposed, however, to the moral law?

The mere assurance of immunity by human governments to the favorites of special privilege and monopolistic control of natural resources, is no answer for the violation of the Creator's absolute law of right. Justice means right and means to be in accord with the eternal principles of creation, to be in harmony

with what is otherwise known as God's laws.

Sooner than we may now believe possible will come the time when all men will realize that mere approval, by erroneous human laws, will not satisfy the conscience of their better selves. It will then be recognized to be as wrong and sinful to deprive others of their equal rights in the common bounty of the Creator, as it would be for a criminal to forcibly take something of value from an unoffending person.

The pending bill is another attempt by the great gas interests to obtain what was denied them notwithstanding the failure of their strenuous efforts to accomplish their purpose in the past. More than 3 years ago they made a desperate effort to secure legislation which would in large measure nullify the authority of the Federal Power Commission to safeguard the people's rights by properly enforcing the provisions of the Natural Gas Act of 1938, enacted for the very purpose of regulating the transportation and sale of natural gas for ultimate distribution to the public. Again, at the very last minute of the last session of the 82d Congress, an effort was made to put through a like measure.

Now, in the closing hours of the 1st session of the 83d Congress, and under a rule allowing all of the opponents of the measure a total of only one-half an hour to expose the evils of the bill, a similar attempt is being made to perpetrate gross injustice upon the people of the United States. If time would permit, statistics could be quoted showing how, while the cost of gas to consumers has greatly increased, dozens of companies, favored with special privilege, as already explained, have greatly increased their profits during the last few years.

My friends, not only on behalf of the generation of which we are a part, but because of our even greater obligation to our children and children's children to come, we must earnestly endeavor to safeguard their rights, their heritage in the earth, the storehouse of nature with its resources so necessary to the welfare and happiness of mankind, and in every way must strive to have realized the sublime purpose of the Supreme Power to bless and make joyous all of mankind.

Mr. SMITH of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I take this time to reiterate what the ranking minority member of the House Committee on Interstate and Foreign Commerce has said that this is a most important bill. What it proposes to do is to change a policy that has been our national policy ever since the founding of this country.

I direct the attention of the House to page 13 of the report and to footnote 4 where it is stated:

> The States have, of course, for many years regulated sales of natural gas to consumers in intrastate transactions. The States have also been able to regulate sales to consumers even though such sales are in interstate commerce, such sales being considered local in character and in the absence of congressional prohibition subject to State regulation. (See *Pennsylvania Gas Co.* v. *Public Service Commission* (1920), 252 U. S. 23.) There is no intention in enacting the present legislation to disturb the States in their exercise of such jurisdiction. However, in the case of sales for resale, or so-called wholesale sales, in interstate commerce (for example sales by producing companies to distributing companies) the legal situation is different. Such transactions have been considered to be not local in character and, even in the absence of congressional action, not subject to State regulation.

Mr. Speaker, what this bill proposes to do is to take away from the Federal Power Commission its regulatory jurisdiction over sales for resale totally within the State boundaries. Such sales for resale historically have been considered to be in interstate commerce and subject to Federal action. This bill deprives the Federal Power Commission of its existing power to regulate such sales. It hampers its efforts to maintain an integrated power program.

This is a proper subject for study by the commission to which the gentleman from Massachusetts [Mr. HESELTON] has alluded, the commission which is to study the relationship between the powers of the States and the Federal Government. The House would do well at this time not to approve the bill. I do not propose to oppose the rule, but I do think the House would be wise in rejecting the bill.

Mr. SMITH of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. KLEIN].

Mr. KLEIN. Mr. Speaker, I had not intended to speak on this matter. I was a member of the subcommittee that held hearings on this bill. I opposed it in committee; however, in all fairness I must state that there was no opposition whatsoever to this bill during our hearings. Even the Federal Power Commission, as a matter of fact, recommended it. One of the Commissioners was given the opportunity to submit a statement, but I understand he never availed himself of the opportunity.

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

Mr. KLEIN. I yield.

Mr. YATES. Was not the purpose of this bill to override the decision of the Supreme Court in the East Ohio case, which conferred jurisdiction upon the Federal Power Commission to supervise sales at retail in the State of Ohio?

Mr. KLEIN. That evidently brought about the introduction of this bill.

Mr. YATES. This bill goes away beyond that case, does it not?

Mr. KLEIN. I think the gentleman knows my views as well as do other Members here. I am opposed to whittling away the powers of the Federal agencies. But, as I understand it—and I may be wrong—all this bill does is to say, where the distribution of the gas takes place exclusively within a particular State, and where there is a State regulatory body, there should not be the necessity to file duplicate reports and have dual supervision, and in those cases only the Federal Power Commission should have no jurisdiction over the distribution of the gas in that State.

Mr. YATES. The trunk lines that come up from the Panhandle of Texas run through many States to their ultimate point. Is it not possible under the provisions of this bill to create new distributing companies in each of the States along the line, thereby permitting such distributing companies to take themselves out of the jurisdiction of the Federal Power Commission?

Mr. KLEIN. I do not want the gentleman from Illinois, who is a very dear friend of mine, and with whom I have never disagreed, to put me in the position of arguing in behalf of a bill that I oppose. I think you had better address your remarks or questions to the proponents. However, I am only taking the floor at this time out of a sense of fairness; I want to be fair to the subcommittee and I want to point out that there was no opposition to this bill when it came before our committee, and if there was any opposition, it should have been made known at that time.

Mr. CROSSER. Mr. Speaker, will the gentleman yield.

Mr. KLEIN. I yield to the gentleman from Ohio.

Mr. CROSSER. The gentleman knew I was opposed to it. I was not there when it came up.

Mr. KLEIN. I will say to the gentleman from Ohio that I was not in the full committee, unfortunately, at the time this bill came up, either. But, the subcommittee held hearings on this bill at which we heard much testimony from many of the State regulatory bodies, and at that time there was no opposition. But, may I say to the gentleman from Illinois [Mr. YATES] do not put me in the position or arguing in behalf of a bill which I oppose. I just want to be fair to both sides. I want to point out that the chairman of our subcommittee, the gentleman from California [Mr. HINSHAW], was very fair. Everybody had an opportunity to come before the committee if they wanted to and present their views.

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

Mr. KLEIN. I yield to the gentleman from Pennsylvania.

Mr. GAVIN. Did the gentleman say that the Federal Power Commission had no objection to this bill?

Mr. KLEIN. That is true. A majority of the Federal Power Commission, as presently constituted, submitted their views. I believe it was the chairman who presented their views and said they had no objection.

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

Mr. KLEIN. I yield to the gentleman from Pennsylvania.

Mr. GREEN. I am not so much concerned about the hearings and whether anybody was at the meeting or not, but could the gentleman tell me how this bill affects the consumers?

Mr. KLEIN. I do not believe it will affect the consumers in any way, ratewise. As a matter of fact, from the testimony it would appear that eventually it may even result in a reduction in rates to the consumers, for this reason: The companies that distribute this gas claim that it costs them a considerable amount. I believe in one case almost $2 million a year because of this dual registration and dual filing; that if they did not have to file with the

Federal Power Commission as well as the State regulatory bodies their expenses would be much less, and therefore that reduction would be passed on to the consumer.

Mr. YATES. Mr. Speaker, if the gentleman will yield, in that respect, on the question of expense, the Chairman of the Federal Power Commission was apparently not impressed with the argument as is shown by his statement in the report. He states that the companies were not subjected to an undue amount of expense.

Mr. KLEIN. I wish the gentleman would refer to that in the Committee of the Whole, when it can be answered by one of the proponents.

Mr. ALLEN of Illinois. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DISPOSAL OF GOVERNMENT-OWNED RUBBER-PRODUCING FACILITIES

Mr. SHAFER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5728) to authorize the disposal of the Government-owned rubber-producing facilities, and for other purposes, with Senate amendments thereto, insist on disagreement to the Senate amendments, and agree to the further conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan? (After a pause.) The Chair hears none and, without objection, appoints the following conferees: Messrs. SHORT, ARENDS, SHAFER, CUNNINGHAM, VINSON, BROOKS of Louisiana, and DURHAM.

There was no objection.

MINERAL LEASING LAWS

Mr. MILLER of Nebraska. Mr. Speaker, I call up the conference report on the bill (S. 2220) amending the mineral leasing laws with respect to their application in the case of pipelines passing through the public domain, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1032)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2220) amending the mineral-leasing laws with respect to their application in the case of pipelines passing through the public domain having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

J. ERNEST WHARTON,
CRAIG HOSMER,
JOHN P. SAYLOR,
CLAIR ENGLE,
KEN REGAN,
Managers on the Part of the House.
HUGH BUTLER,
FRANK A. BARRETT,
EUGENE D. MILLIKIN,
JAMES E. MURRAY,
CLINTON P. ANDERSON,
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. 2220, amending the mineral leasing laws with respect to their application in the case of pipelines passing through the public domain, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to the amendment, namely:

The conferees were agreed that the amendment adopted by the House would render ineffective the preceding clause, and perhaps nullify it. The object of the legislation is to relieve certain pipelines used by regulated public utilities from the common carrier obligation for reasons conceded to be reasonable and just. The House amendment was believed to be contrary to this objective.

J. ERNEST WHARTON,
CRAIG HOSMER,
JOHN P. SAYLOR,
CLAIR ENGLE,
KEN REGAN,
Managers on the Part of the House.

Mr. MILLER of Nebraska. Mr. Speaker, when the bill was before the House the gentleman from Massachusetts [Mr. MCCORMACK] offered an amendment which was agreed to by the committee. The amendment was taken out in the conference report. The committee has agreed to study the matter carefully and, if it needs further correction, will take up the suggestions offered by the gentleman from Massachusetts in the next session.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to; and a motion to reconsider was laid on the table.

MINING CLAIMS

Mr. MILLER of Nebraska. Mr. Speaker, I call up the conference report on the bill (S. 1397) to clarify the status of mining claims in areas held under an oil and gas prospecting permit for lease and to encourage the exploration and development of fissionable source materials, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1033)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1397) to clarify the status of mining claims in areas held under an oil and gas prospecting permit or lease and to encourage the exploration and development of fissionable source minerals, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

(1) Page 3, line 13 of the House-engrossed amendment, after the word "land", insert the words "whenever reasonably necessary."

(2) Page 3, after line 17 of the House-engrossed amendment, insert two new sections, section 3 and section 4, as follows:

"SEC. 3. The rights under any mining claim given force and effect by this Act shall also be subject to the reservation to the United States specified in section 5 (b) (7) of the Atomic Energy Act of 1946, as amended, and, in addition, any reservation or reservations required by any other provision or provisions of law; and any patent issued for such mining claim shall contain such reservations."

"SEC. 4. Except as this Act provides for (a) validation of certain mining claims located on lands described in section 1 of this Act, and (b) the modification and amendment of certain withdrawals or reservations of land, nothing in this Act shall affect any power or authority duly vested in the Atomic Energy Commission or any other agency, department or officer of the United States to make leases, withdrawals, reservations or other arrangements with respect to source materials as defined in section 5 (b) (1) of the Atomic Energy Act of 1946, as amended."

(3) Renumber "section 3" of the House-engrossed amendment to read "section 5."

And the House agree to the same.

J. ERNEST WHARTON,
WILLIAM A. DAWSON,
JOHN J. RHODES,
CLAIR ENGLE,
WAYNE N. ASPINALL,
Managers on the Part of the House.
HUGH BUTLER,
FRANK A. BARRETT,
EUGENE D. MILLIKIN,
JAMES E. MURRAY,
CLINTON P. ANDERSON,
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 amendments of the House to the bill (S. 1397) clarifying the status of mining claims in areas held under an oil and gas prospecting permit or lease and to encourage the exploration and development of fissionable source minerals, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

The House amendments, clarified in several respects by the conferees, were agreed to. Two new sections, of a specifically definitive nature, were suggested by the Senate managers and agreed to.

J. ERNEST WHARTON,
WILLIAM A. DAWSON,
JOHN J. RHODES,
CLAIR ENGLE,
WAYNE N. ASPINALL,
Managers on the Part of the House.

Mr. MILLER of Nebraska. Mr. Speaker, I have no comment on this bill.

I hope the conference report will be adopted. It is a unanimous conference report, and I believe it is in the interest of the public. I hope the conference report will be adopted.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to; and a motion to reconsider was laid on the table.

EKLUTNA PROJECT

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2097) to increase the amount authorized to be appropriated for the construction of the Eklutna project.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the act of July 31, 1950 (64 Stat. 382), is hereby amended by striking the figure "$20,365,400" and inserting in lieu thereof the figure "$33,000,000."

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the act of July 31, 1950 (64 Stat. 382), be amended as follows:

"(1) By amending the first sentence of section 1 to read as follows: 'That in order to encourage and promote the economic development of the Territory of Alaska, to foster the establishment of essential industries in said Territory, and to further the self-sufficiency of national defense installations located therein, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to construct, operate, and maintain the Eklutna project in the vicinity of Anchorage, Alaska, consisting of a low dam at Lake Eklutna, a diversion tunnel and penstock, a power plant with an installed capacity of 30,000 kilowatts, transmission lines to Anchorage and other load centers, and related works (except recreational facilities) substantially in accordance with the plans and recommendations in the report adopted by the Secretary of the Interior on January 18, 1949, on file with the Committee on Public Lands of the House of Representatives and the Committee on Interior and Insular Affairs of the Senate at an estimated cost not to exceed $33,000,000.'

"(2) By adding a new paragraph to section 1, as follows: 'The continuation of construction of the Eklutna project beyond December 1, 1953, is hereby made contingent upon there being a finding by the Secretary by that date that he and the proper officials of the city of Anchorage, Alaska, have approved a form of contract whereby the city would agree to convey to the United States such hydroelectric and other properties, including water rights, as the Secretary has determined should be acquired by the United States in connection with the Eklutna project, and whereby in consideration therefor the United States would agree to deliver to said city electric energy upon terms which in the Secretary's judgment would accord said city just compensation for the properties agreed to be conveyed.'

"(3) By amending the last sentence of section 2 to read as follows: 'All receipts from the transmission and sale of electric power and energy generated at said project shall be covered into the Treasury of the United States to the credit of miscellaneous receipts.'

"(4) By amending section 6 to read as follows: 'There are authorized to be appropriated the sum of $33,000,000 for the construction of the Eklutna project, and, in addition, such sums as may be necessary for the operation and maintenance of such project.'"

The committee amendment was agreed to.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. BARTLETT. Mr. Speaker, I shall be brief. In my judgment the Congress is acting wisely in lifting the authorization for the original Eklutna power bill. It is true that in terms of cash the project is now calculated to cost almost $13 million above the original estimates, or a total of $33 million. Notwithstanding, Eklutna will give the people and the industries of the Matanuska Valley and Anchorage together with the surrounding area cheaper power than has been available. The Federal investment will be paid back in 50 years, with interest. Eklutna will furnish 30,000 kilowatts and will be by far the largest supplier of electricity in the Territory of Alaska. It is by wise investments of this kind that the abundant resources of Alaska can be put to proper use.

Mr. KELLEY of Pennsylvania. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, this authorization for an increased appropriation for the Eklutna project in Alaska, I presume, will be used to send $639,000 to the Oerlikon Co., at Zurich, Switzerland.

A year ago a contract was let by the Bureau of Reclamation to this Swiss firm. Bids were received from several American firms, including the Elliott Co. in my district and in the district of the gentleman from Pennsylvania [Mr. GAVIN]. The Elliott Co.'s bid was the low American bid, but the award was made to the Swiss company and the Bureau of Reclamation took refuge for its action behind the Buy American Act.

Since then there have been repeated contracts let to foreign firms to the disadvantage of American firms. Only recently another contract was awarded to the Swiss Oerlikon Co. for the Palisades power project over the low bid of the Westinghouse Co. The Westinghouse plant of East Pittsburgh and the thousands of its employees from my district were no doubt affected by this action. Earlier, the Atomic Energy Commission had awarded a switchgear contract to the Brown Boveri Co., of Switzerland, to the detriment of the Westinghouse Co. My attention was called just the other day to the fact that the Interior Department is considering awarding a contract for high-voltage electrical insulators to a Japanese firm, again at the expense of an American industry.

The excuse in these instances is always the Buy American Act. I have had a resolution before the House Rules Committee since the first of the year authorizing the Education and Labor Committee to investigate the operation of the Buy American Act. The formula which has caused the controversy is one pulled out of the air by the departments of the Government, establishing a differential of 25 percent. I can find no authorization for this differential in the Buy American Act itself, which was enacted in 1933. In my opinion this formula should be carefully examined in the light of present-day circumstances. For instance, the American bidders are required to include compliance with the Walsh-Healey Act, furnish materials in accordance with Federal and American standards, comply with the 8-hour law. In addition, labor rates in these foreign countries are much lower than our own. This 25-percent differential was established in 1947 and since then the cost of manufacturing has greatly increased. It is imperative that this matter be given attention so as to afford some relief to our own manufacturers and to labor.

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

The title was amended so as to read: "An act to amend the act of July 31, 1950 (64 Stat. 382), relating to appropriations for construction by the Secretary of the Interior of the Eklutna project, Alaska."

A motion to reconsider was laid on the table.

House Resolution 349 was laid on the table.

SUSAN KAY BURKHALTER, A MINOR

Mr. JONAS of Illinois. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1456) for the relief of Susan Kay Burkhalter, a minor, with amendments of the Senate 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 "$3,500" and insert "$6,500."

Amend the title so as to read: "An act for the relief of the legal guardian of Susan Kay Burkhalter, a minor."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AMENDING THE NATURAL GAS ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5976) to amend section 1 of the Natural Gas Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HINSHAW].

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 con-

sideration of the bill H. R. 5976, with Mr. CHENOWETH 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 rule, the gentleman from California [Mr. HINSHAW] is entitled to 30 minutes, and the gentleman from Ohio [Mr. CROSSER] is entitled to 30 minutes.

Mr. HINSHAW. Mr. Chairman, I yield myself as much time as I may require.

Mr. Chairman, this bill was reported out of the subcommittee and out of the full Committee on Interstate and Foreign Commerce unanimously, without the full membership being present There are a few members of the committee who are opposed to the bill.

It has the unanimous support of all the railroad and utility commissioners of the 48 States.

Mr. KLEIN. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from New York.

Mr. KLEIN. Did I understand the gentleman to say that it was reported out of the subcommittee unanimously? I want to remind the gentleman that I voted against it in the subcommittee.

Mr. HINSHAW. I did not remember that the gentleman had voted, but I know him to be opposed to the bill.

It has the unanimous support of the 48 State commissioners, the regulatory bodies of public utilities and railroads and also the regulatory bodies of Puerto Rico, Alaska, and Hawaii.

It has the endorsement and support of 3 out of the 4 members of the Federal Power Commission, there being one dissenter, this man Doty, who announced the fact that he would present a dissenting opinion on about the following Tuesday. We gave him another week and still received no report, and therefore we are at a loss to know in what way he may dissent; except as it may be brought up through Members who are familiar with his opinions. He has not deemed it desirable to share them with the full committee.

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the distinguished gentleman from Ohio.

Mr. CROSSER. Since the gentleman brought up the question of endorsements, is it not a fact that the late chairman during the present year after this bill had come up was very bitterly opposed to this—Mr. Buchanan?

Mr. HINSHAW. That may be, but he is not a member of the Commission now, and I believe it unnecessary to bring it up at this time. The Commission itself in the last administration recommended similar legislation to this. It passed the other body in the closing days of the session as recommended by a majority of the Commission at that time.

Mr. Chairman, this bill seeks to clarify the Federal Power Act by amending section 1 which provide in section 1 (b) that the provisions of the act shall apply to the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for resale for ultimate public consumption and to natural gas companies engaged in such transportation or sale but shall not apply to any other transportation or sale of natural gas or to the local distribution of natural gas or the facilities for its distribution or to the production of natural gas; and that is in the present law.

This bill seeks to amend that by clarifying that latter provision by stating that the provisions of this act shall not apply to any person engaged in or legally authorized to engage in the transportation in interstate commerce or the sale in interstate commerce for resale of natural gas received by such person from another person within or at the boundary of the State if all of the natural gas so received is ultimately consumed within the State, and so forth.

In other words, this bill makes it quite clear that the natural-gas company which receives the gas within the boundary of the State shall be subject to State regulation exclusively if there is such regulation.

Mr. YATES. Mr. Chairman, will the gentleman yield for a question?

Mr. HINSHAW. I yield.

Mr. YATES. The bill by its terms provides that a natural-gas company shall be subject to regulation by a State commission provided that its rates and service will be subject to regulation by the State commission.

Mr. HINSHAW. Yes.

Mr. YATES. Will the gentleman state whether the term "rates" as used there means all the rates of a company, including retail and wholesale rates or one or the other? Does it mean all types of service? Does it include the abandonment of service? What is the intent of the bill in that respect?

Mr. HINSHAW. That was an amendment proposed by the Federal Power Commission and so far as I am able to determine, and I believe accurately, it includes all sales and services.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. HINSHAW. I yield.

Mr. YATES. In other words, what the gentleman has said is that in order for a company to be exempted from Federal regulation all of its rates and all of its service would have to be subject to the regulation of the State regulatory agency in order for that company to be exempt; is that correct?

Mr. HINSHAW. In respect to natural gas, yes; that is my understanding.

Mr. SMITH of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Mississippi.

Mr. SMITH of Mississippi. I want to find out about the effect of regulation that would be applied under this bill, whether or not the Federal Power Commission authority would continue in States where there is no State regulatory body or where there is no effective State regulation.

Mr. HINSHAW. When there is no effective regulation it would be subject to the Federal Power Commission. But I believe the gentleman will find that almost every State has a regulatory body. I do not know of an exception.

Mr. HARRIS. If the gentleman will yield I think there are two States that do not have regulatory commissions.

Mr. SMITH of Mississippi. What two States are there?

Mr. HARRIS. I will have to supply that information later.

Mr. SMITH of Mississippi. The State of Mississippi has a regulatory commission, but I understand it has no authority over pipelines. That is why I fear the effect of this bill. Passage of this bill may result in situations where Federal Power Commission authority is needed within the States. I think this bill perhaps opens an opportunity to remove pipelines from any effective jurisdiction whatsoever, whether it be State or Federal.

Mr. HINSHAW. The gentleman is mistaken. Pipelines in interstate commerce are under the regulation of the Federal Power Commission and subject in all respects thereto. Distribution within a State of gas that is purchased within the State for ultimate delivery to consumers is subject by this bill to State regulation if there is a regulatory commission and certifies that it is exercising such jurisdiction.

Mr. YATES. I believe the gentleman may have been in error. The gentleman did not mean to say that this bill only covers those companies which distribute gas within the State for sale to consumers. This bill would cover as well those distributors which in turn sell to another distributor provided their operations are within the State, in other words, sale for resale.

Mr. HINSHAW. Within that same State.

Mr. YATES. So in that respect it differs from the situation in Ohio where it was found that a utility was selling directly to the consumers.

Mr. HINSHAW. That is correct.

Mr. CROSSER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. HELLER].

Mr. HELLER. Mr. Chairman, I, too, was rather surprised to hear the gentleman from Illinois state that there was no opposition to this bill.

Mr. YATES. Does the gentleman mean the gentleman from Illinois [Mr. ALLEN]?

Mr. HELLER. Mr. ALLEN, yes.

Mr. Chairman, I agree with the statement made by the gentleman from Ohio [Mr. CROSSER] who calls this a very serious matter. Then, I think, he said that the welfare of the American people is certainly involved in this bill.

I submit that the proposed legislation, H. R. 5976, would nullify the jurisdiction of the Federal Power Commission with respect to certain operations of natural gas companies. These operations concern the distribution, within a State, of natural gas which has been received by such companies from interstate gas pipelines. The immediate objective of the bill is to remove from the Federal jurisdiction the operations of the East Ohio Gas Co. That was admitted in the colloquy between the gentleman from Illinois [Mr. YATES] and the gentleman from New York [Mr. KLEIN].

If this legislation is passed, we open the door to the removal from Federal jurisdiction of numerous other companies which find themselves in a situation similar to the East Ohio Co. How

many other companies would take advantage of the provisions of this bill, I do not know. But this I do know, that passage of the bill now before us would set a dangerous and an unwise precedent.

Natural gas transported for hundreds and thousands of miles across numerous State boundaries does not cease its interstate journey the instant it crosses a State line for ultimate consumption in that State. The Supreme Court of the United States has held in *Illinois Gas Company* v. *Public Service Company* (314 U. S. 498) that natural gas companies which transport interstate gas wholly within a State for resale in that State are subject to the regulatory authority of the Federal Power Commission.

The only respect in which the East Ohio case differs from the Illinois case is that the Ohio company sells gas directly to consumers and does not sell for resale. With respect to this difference the Supreme Court said:

> This difference is immaterial (*Federal Power Company* v. *East Ohio Gas Company*, decided on January 9, 1950).

Mr. Chairman, passage of this bill is fraught with danger to more than 40 million people of this Nation who now receive natural gas utility service. It may lead to higher prices for these consumers. We must protect their rights and see to it that no legislation is enacted which would result in higher and unreasonable prices for this essential service.

Repeated drives have been made in the past to amend the Natural Gas Act by the big oil and gas companies who have demanded freedom from Federal regulation. These companies have demanded repeatedly that Congress grant them the right of unregulated, uncontrolled profits, notwithstanding the fact that they are participating in rendering a public utility service. These oil and gas companies have been stopped before, and I sincerely hope that they will be stopped again.

Mr. Chairman, I urge the House to vote against this bill.

Mr. CROSSER. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, my State of West Virginia is interested in the legislation now pending before this body. My State of West Virginia some 40 years ago was the largest producer of natural gas of any of the States. It is still a State that produces a large amount of natural gas.

In addition to that situation, we have this situation: We are the guinea pig for the experimentation of bringing into the eastern part of this country natural gas from the gas fields of Texas, Louisiana, and the Southwest. You will recall during World War II the Government built the Big Inch pipeline. The eastern terminus of this Big Inch line is at John Cornwall station on the Kanawha River in West Virginia, a facility operated by the Hope Gas Co. of West Virginia. Another eastern terminus is the United Fuel Gas Co. plant, also in the Kanawha River Valley, near our State capital in West Virginia.

Now, we are interested, and I happen to be familiar with the Eastern Ohio Gas case because the gas that they used in Ohio was sold to them by the Hope Natural Gas Co. of West Virginia, whose home office is in my home city of Clarksburg.

I cannot find any serious objection to a portion of the objectives of this bill to get away from the idea of dual regulation. But there is one question that I want cleared up before I can vote on this legislation, and that is this:

Some months ago, probably a year ago, the two largest gas companies in West Virginia serving domestic and industrial consumers—and I am speaking about the Hope Gas Co. and the United Fuel Gas Co.—applied to our public service commission for application to increase their rates. They were given a sizable increase, and I know one of the items that went into that increase was an item of $407,000 to cover the cost to those companies of bringing this gas in from the State of Texas through this Big Inch line. And do you know what our companies were doing? They were pumping that gas back into the old abandoned gas fields of West Virginia, and I presume they will continue to do that, because that is going to be the reservoir from which they will supply the States on the eastern seaboard with natural gas.

What I am worried about is: Will my domestic and industrial consumers in the State of West Virginia be forced to pay increases again to cover the cost of storing and pumping this Texas gas into the abandoned West Virginia gas fields at resale some 4 or 5 years from now to these consumers? Will the gentleman from California answer me on that point?

Mr. HINSHAW. I believe the gentleman is referring to an action of the Columbia Gas System, which has underground storage in West Virginia. That gas is still under the jurisdiction of the Federal Power Commission until it is sold within his State for resale locally.

Mr. BAILEY. Will the gentleman answer this further question, then? In the event the two large operating companies in my State that now have authority to deal with the Texas people for this gas have the gas for resale, will they still remain under the control of the Federal Power Commission?

Mr. HINSHAW. If they sell entirely within the State of West Virginia and do not have any outside lines, they would come under the jurisdiction of the West Virginia Commission.

Mr. BAILEY. What I am worried about is this recurrent cost of storing gas. It is just making a guinea pig out of my State of West Virginia for the benefit of the Eastern States.

Mr. HINSHAW. I think it is. It is still under the jurisdiction of the Federal Power Commission if it is what I think it is.

Mr. BAILEY. May I say to the gentleman from Arkansas [Mr. HARRIS] that I called the attention of the committee to the fact that a recent gas increase was authorized in my State of West Virginia, and a part of the data on which they based that increase was the cost of storing gas, brought in through the Big Inch pipelines from the West and stored in the old abandoned gas fields of West Virginia. I want to know whether my consumers in West Virginia, both domestic and industrial, will be subject to a recurrent cost of that kind, in order to make West Virginia a guinea pig for the benefit of the Eastern States.

Mr. HARRIS. Not under the provisions of this bill.

Mr. HINSHAW. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. BOW].

Mr. BOW. Mr. Chairman, I am happy to join my colleague, the gentleman from California [Mr. HINSHAW] in favor of his bill, H. R. 5976, and sincerely hope that the House will give this legislation favorable consideration.

On February 6 of this year I introduced H. R. 2679, which was similar in purpose to H. R. 5976. The purpose of these bills is to redefine the jurisdiction of the Federal Power Commission with reference to companies engaged in local distribution of natural gas wholly within a State and to eliminate the overlapping of Federal Power Commission jurisdiction upon the jurisdiction of the State regulatory bodies which would also eliminate the needless expense to the users of natural gas by this duplication of jurisdiction. These bills are sponsored primarily by the National Association of Railroad and Utilities Commission, which is composed of the regulatory bodies of all the 48 States. I know of no State commission that opposes this legislation.

It is interesting to note, Mr. Chairman, that as far back as July 17, 1951, the Federal Power Commission in its opinion No. 216—Texas Illinois Natural Gas Pipeline Co., document G–1246 and 1447—expressed the hope that Congress would enact remedial legislation clarifying this overlapping of jurisdiction. Also, Mr. Speaker, the Federal Power Commission in its report of the Hinshaw bill, H. R. 5976, again stated that the elimination of this overlapping jurisdiction is desirable and that no good purpose is seen for the imposition of Federal regulation in addition to that provided under State laws.

My own Public Utility Commission of Ohio is doing fine, conscientious work, and they appeared before the House Interstate and Foreign Commerce Committee in favor of this legislation.

Mr. Chairman, I earnestly urge that this is meritorious legislation; that these amendments are definitely in the public interest and should be enacted into law.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman has bills on file in order to correct the east Ohio situation, has he not?

Mr. BOW. I had a bill on file, and this bill takes the place of it, and does the same thing.

Mr. YATES. Does not this bill go way beyond the intent of that one?

Mr. BOW. I do not think it goes way beyond it; no. I think it corrects a situation that needed to be corrected in other States and that does not exist in the State of Ohio, about which I filed my bill.

Mr. CROSSER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I take the floor at this time to correct any possible misunderstanding as to where I stand. I oppose this bill. I thought I had made it clear that I opposed it in the committee, and here, as well. In my endeavor to be fair to both sides, I made a statement when the rule was being debated, where I pointed out exactly what had occurred and the fact that there was no opposition in the committee, although I opposed it in the subcommitte.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. KLEIN. I yield to the gentleman from Arkansas.

Mr. HARRIS. May I compliment the gentleman on his position and his stand. He said in the committee that he was opposed to the bill, because he was opposed generally to whittling away, to use his own words, the jurisdiction of Federal agencies. That is a general feeling he has regarding all such matters. I wish to compliment the gentleman for the fairness with which he has also presented this matter, and the factual information that he has given the House. I think the House would do well to understand the explanation that the gentleman gave just a few moments ago in connection with the rule, and I do know that he is sincere about it.

Mr. KLEIN. I thank the gentleman.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. KLEIN. I yield.

Mr. HINSHAW. The gentleman has been eminently fair in the explanation of his views and also in his explanation of the bill. No one could have done better, and I compliment the gentleman wholeheartedly.

Mr. KLEIN. I thank the gentleman.

Mr. PRIEST. If the gentleman will yield for just one sentence along the same line, I would like to express my appreciation of the statesmanship of the gentleman from New York, who although he may be against a bill, never takes unfair advantage and tries to explain and does explain it very fully with careful and apt analysis. I congratulate the gentleman.

Mr. KLEIN. I thank the gentleman. I do not like all this praise, methinks you are agreeing with me too profusely. I am sure you will vote against me in the final analysis.

But, at any rate, I feel, as the gentleman from Arkansas indicated, that in this Republican-controlled Congress, and under this Republican administration we are taking advantage of too many opportunities to whittle away, and I have used that expression many times, the jurisdiction of the Federal agencies. We did it, you will recall, on the trip-leasing bill when we took away from the Interstate Commerce Commission certain functions which they previously had. We are doing it in this case, and as I pointed out in the debate on the trip-leasing bill, at that time it was the ICC, now it is the Federal Power Commission, tomorrow it may be the SEC or the Federal Trade Commission or the Federal Communications Commission. That is what I fear. Where will we stop?

Let me point out that this is just a small phase of a great national problem, the production and distribution of natural gas in this country. You will recall when the Kerr bill, or the Harris bill was passed by the Congress last year, it was vetoed by the President. It was an attempt to take out, as I understand it, from the regulation of the Federal Power Commission the production of the gas at the wells. The gas companies say, and I believe they are right, why should we take up this problem of natural gas piecemeal as we are doing in this legislation? As I understand it and I am no authority on the natural gas industry, the gas is taken out of the well in Texas, Louisiana, or wherever it may be, and is transported in most cases by pipeline into the different States, and there distributed and sold to and consumed by the public. What we are doing in this case is to take just that one phase of it, the distribution, and saying that in view of the fact that the gas is sold and used exclusively within a State where there is a State regulatory body, that the Federal Power Commission should have no jurisdiction over it. But the industry generally feels that we should take the whole question up and not take up just this one phase of it at a time. And while I strenuously oppose, and will continue to oppose that legislation, I believe their position is a logical one. So let us vote this down, and do not let them get a foot in the door, which will only be the beginning, I am certain.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HINSHAW. Mr. Chairman, I yield the gentleman 1 additional minute. I would like to point out to the gentleman that that is a question of production and transportation, and this is entirely a question of regulation. This bill of course is asked for and approved by all State regulatory bodies.

Mr. KLEIN. There is no doubt about that, but what I am fearful of is that we are opening the door to other aspects of this problem, and the industry may come in and say, "You have exempted distribution from Federal regulation, why not exempt us? Why not leave it up to the State regulatory bodies?" And that is exactly what I want to prevent. But lest there be any doubt about my position, I oppose this bill. I opposed it in committee. I will oppose it here for the reasons I have stated. I do not believe we should pass this, because if we do, who knows but tomorrow we may have other bills to whittle away the jurisdiction of the FPC, and to take the production of gas from under regulation of the Federal Power Commission—they may come in and say that that should be taken out from under Federal jurisdiction.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. CROSSER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I am opposed to passage of this bill at this time. I am opposed to the bill because I think it has been inadequately considered and it goes too far. It started out quite properly as an attempt to correct a situation which should be corrected. In the case Federal Power Commission against East Ohio Gas Co., the Supreme Court of the United States held that a company in Ohio which sold gas at retail was under the jurisdiction of the Federal Power Commission. It was a most unusual case and does not warrant the action taken here but certainly a limited action to exclude retail sales was in order. Even the dissent made that point a very good dissent, I think. Let me read to you what the dissenting judges stated:

> East Ohio is an all-Ohio company, deriving income solely from distributing gas directly to Ohio consumers. It sells no gas for resale. All of its assets are located and all of its business is transacted in Ohio.

Let me repeat: "East Ohio sells no gas for resale."

What does this bill propose to do? This bill does not deal only with the situation of companies that sell at retail. The bill goes further. It deals with companies that do sell for resale, without any reason or rhyme. It takes that case as an excuse and goes way beyond it. It proposes to give to the States regulatory powers which the States have never before had and which properly belong to the Federal Government.

I would like to read to you from the report of the Congress at the time the Natural Gas Act was passed during the 75th Congress. This passage discloses the intention of the Congress at that time. It is stated on page 13 of the report:

> The States have also been able to regulate sales to consumers even though such sales are interstate commerce, such sales being considered local in character and in the absence of congressional prohibition subject to State regulation. (See *Pennsylvania Gas Co.* v. *Public Service Commission* (1920), 252 U. S. 23.) There is no intention in enacting the present legislation to disturb the States in their exercise of such jurisdiction. However, in the case of sales for resale, or so-called wholesale sales, in interstate commerce (for example sales by producing companies to distributing companies) the legal situation is different. Such transactions have been considered to be not local in character and, even in the absence of congressional action, not subject to State regulation.

This is a very technical and complex subject. It is almost impossible to explain it in this limited time. Companies engaged in sale for resale of natural gas have always been regulated by Federal agencies, even when engaged in business entirely within the State lines. Now it is proposed in this bill that those companies shall be subject to regulation by the State regulatory commissions. The power of the Federal Power Commission to have some semblance of integrated type of regulation is taken away. This is much too important a decision to take on such short notice.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. HINSHAW. I believe the gentleman will find that that case heretofore has not been subject to the jurisdiction of the Federal Power Commission if it is for sale entirely within the State.

Mr. YATES. If it is for sale entirely within the State at retail, but not sales at wholesale.

Mr. HINSHAW. I think the gentleman is incorrect; it is not the historical basis. The State Commissions had jurisdiction prior to the passage of the act in 1938.

Mr. YATES. I have read from the committee's report and I call the gentleman's attention to the fact there are at least 7 Supreme Court cases cited winding up with the Attleboro case which state that sale for resale is not subject to regulation by the several States. The Attleboro case stated specifically that distribution in interstate commerce is not subject to State regulation. That was the so-called gap concerning which the gentleman from Massachusetts [Mr. HESELTON] was speaking on the prior bill. Mr. Chairman, this is a case which involves great economic consequences. This is a case on which there have been no hearings at all.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CROSSER. I yield the gentleman 1 additional minute.

Mr. YATES. I call the attention of the Committee to the report which states that hearings were held on June 29 not only on this bill but on 5 other bills. Thus, on the basis of the hearings conducted in 1 day it is proposed by this legislation to set aside the policy which has been the historic policy of the United States. On the basis of 1 day's hearings proponents of this bill desire the Federal Government shall have no further control over this aspect of interstate commerce. This bill should be sent back to committee.

Mr. HINSHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. HESELTON].

Mr. HESELTON. Mr. Chairman, I question seriously whether I would take part in general debate. I am moved to do so primarily by the remarks of the gentleman from New York [Mr. KLEIN]. I believe he has stated a case which is or ought to be of considerable importance to all of us at this particular stage. Incidentally, I, too, am glad to pay tribute to his consideration and fairness in dealing with the honest opinions of those who may not agree with his. He is a valued Member of the Interstate and Foreign Commerce Committee and of the House.

As I said earlier today in connection with another bill from the Interstate and Foreign Commerce Committee I thought there was considerable doubt whether or not we were acting prematurely, whether we were giving sufficient consideration to the fact that this Congress has enacted a public law which creates a commission on intergovernmental relations, to the fact that the commission has not yet been fully named, has not been organized and will not be able to make a report certainly until the next session.

I want to read into the RECORD the first portion of section 1 of the Federal Power Act:

SECTION 1. Because any existing confusion and wasteful duplication of functions and administration pose a threat to the objectives of programs of the Federal Government shared in by the States, including their political subdivisions, because the activity of the Federal Government has been extended into many fields which, under our constitutional system, may be the primary interest and obligation of the several States and the subdivisions thereof, and because of the resulting complexity to intergovernmental relations, it is necessary to study the proper role of the Federal Government in relation to the States and their political subdivisions, with respect to such fields, to the end that these relations may be clearly defined and the functions concerned may be allocated to their proper jurisdiction.

Surely one of the basic arguments that is being presented by my committee is that there is wasteful duplication and there is unnecessary existing confusion; consequently we are agreed that we should take this single step at this particular time. I am seriously concerned that we have no real justification for singling out a single relationship between the States and the Federal Government and saying this we must correct at the present time. Perhaps we should correct it; I am not in position to say. I do agree with the statement made particularly in reference to the East Ohio case that the key to an understanding of the Gas Act is its purpose to supplement and not supplant State regulations.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HINSHAW. Mr. Chairman, I yield the gentleman 2 additional minutes, and I want to compliment him for bringing out the fact that the original intention as stated by the dissenting opinion of the court shows that the Federal Power Act was to supplement and not supplant State regulations.

Mr. HESELTON. That is true; and to that degree I think anyone who chooses to support this bill can feel they are carrying out in part the original intent of the Congress.

I do want to raise the serious question as to whether or not at this late hour in the session, in a matter of so much importance as was the matter of the power regulation which was passed earlier this afternoon, we may be doing something that we would not want to do all by itself. Perhaps we would want to do it in connection with an overall study and recommendation. Primarily I am trying to get this point of view in the RECORD at this time so that the Commission which was created through legislation filed by the majority leader, recommended by the administration, certainly a key part of the administration program, will not feel it is barred from looking into the very field we are dealing with today; that if it finds some perfecting legislation should be enacted as a result of this study it will feel that the Congress wants it to come back with a completely rounded program for full consideration in this intergovernmental field.

Mr. CROSSER. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, this is a matter about which there is so much misunderstanding that I hardly know just which phase to try to cover within the short time we have to discuss it. It is always easy when you are opposed to something to find excuses as to why it should be defeated or why it should not be considered at this time.

The gentleman from New York [Mr. KLEIN] has been exceedingly fair about the situation. He has frankly admitted there is a problem, which he understands. He is against it, but he understands there is a situation that ought to be corrected. That is because he heard the testimony and is familiar with the facts.

I do not know why some people get the idea when you are dealing with a commodity as this which means so much to the welfare of the consumer, if some policy is promoted that would provide better service on a more reasonable basis, that there is something seriously wrong. Prejudices are obvious. Exaggerations are proclaimed. Why? Natural gas is demanded. It is a necessity and in fact imperative in so many places. Only those who have it, develop it, produce it, transport it, and distribute it can provide it to consumption. Yet some would restrict, handicap, strangle the industry, making it impossible to provide this service. It seems to me an attitude of biting the hand that feeds you.

Let me tell you something: If the industry continues to provide this service to your consumers, some people are going to have to take a different attitude toward those that provide you with this fuel.

There is no mystery about this problem. There is no windfall, or trick, or gadget in it.

Let us see precisely just what we have here today.

When the Natural Gas Act of 1938 was adopted there was a gap in interstate transportation of natural gas; a gap in which no regulation was provided for. On the one end there was the right and authority of the States to regulate the producing and gathering; on the other end there was the authority of the States to regulate the distribution. The Natural Gas Act of 1938 was to take care of that gap from one end to the other in order that the entire business could be regulated from the producing end, to the consuming end, right to the tip of the burner.

The East Ohio case brought this problem to light. By a strange, and I think thin interpretation the United States Supreme Court held such companies came under the jurisdiction of the Federal Power Commission. Since 1911 the regulatory commission of the State of Ohio has regulated the East Ohio Co. The gentleman from Illinois talked about the inherent right and the historical right of the Federal Government to regulate such activities. The Federal Government never engaged in any phase of such control except in the case of taxes until the Natural Gas Act of 1938. The problem involved here is not the question of rates. The question of rates is not involved at all. The Federal Power Commission is precluded from any jurisdiction over the rates of the intrastate distribution of natural gas. It has never tried to exercise jurisdiction as to rates of distributing companies in local distribution.

Now the problem involved here is whether or not the East Ohio Co., or such other distributing companies within the State, is going to be subjected to the expensive accounting methods of

both the State regulatory commission and the Federal Power Commission, in addition to certification by the Federal Power Commission. That is all that is involved in this question that we have here.

You talk about what it is going to cost the consumer! We had companies that came before our committee saying that it cost them $300,000, $200,000, one company I believe about $1 million.

Mr. HINSHAW. Two million dollars was the cost, I believe, to the East Ohio Co. on account of the dual regulations.

Mr. HARRIS. Of course, there is going to be that duplication in cost. The rates are going to have to be provided to take care of the cost of that activity on the part of the Federal Government and the State regulatory commission.

Here is the reason this matter is before us. The Federal Power Commission decided a good many years ago, and it came to a head, I believe, in 1943, that they were going to have jurisdiction over such companies in intrastate operation. Now here is how far they went to get jurisdiction over these companies. The Hope Natural Gas Co. is a producing and transporting company; it is a subsidiary of the East Ohio Co. The Panhandle Eastern is a producing and transporting company that comes from Kansas and the Panhandle of Texas. They bring the gas through; the East Ohio Co. takes it just across the line in Ohio. The company has a large line in which they take it from the trunk line and under high pressure, which is East Ohio high pressure within the State, transport it 100 miles before the pressure is stepped down in order for it to go into the distributing facilities.

A controversy developed which was decided by the Supreme Court in 1950.

The Supreme Court held that because the East Ohio Co. had a high pressure line even though within the State of Ohio for 100 miles before it stepped the pressure down, the East Ohio Co. came within the jurisdiction of the Federal Power Commission. That is an implication that if the stepdown in pressure had taken place where the gas came from the trunkline the Supreme Court would not have upheld their right to take jurisdiction. That is all we have here before us.

Now we say to these regulatory commissions and to the gas companies, under the Natural Gas Act, "You have the inherent right to regulate this local operation, and the Federal Power Commission should not interfere and cause higher rates by requiring the method of accounting and financing, which increases the cost of gas to the consumers." This court in its decision nullifies the intent of the Congress.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from West Virginia.

Mr. BAILEY. I sincerely hope the gentleman from Arkansas did not mean to imply that the question I raised as to the fear of increased rates for domestic and industrial consumers in West Virginia was raised for the purpose of blocking the passage of the bill.

Mr. HARRIS. No, not at all.

Mr. BAILEY. I was interested in getting information. Let me say to the gentleman from Arkansas that the State of West Virginia today produces twice as much natural gas as it consumes. We do not want to have to pay for the expense of being a guinea pig to service all the rest of the eastern United States and make our consumers pay for it.

Mr. HARRIS. Of course the local State commission has no jurisdiction over gas which goes out of West Virginia or in interstate. That is a matter for the Federal Power Commission, and it is retained by the Federal Power Commission under this legislation.

Mr. BAILEY. I sincerely hope you gentlemen are right in your interpretation of this bill.

Mr. HARRIS. I think I know what I am talking about.

Mr. HINSHAW. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas in order that he may answer a question by the gentleman from Ohio.

Mr. BOW. Mr. Chairman, the gentleman has brought out the fact that in the case of one company an additional cost of $2 million was brought about by complying with the Federal Power Commission's regulations. Would the gentleman say that that $2 million is not paid by the company but is taken as a part of the cost which is passed on and determined by the Public Utilities Commission as a cost, and eventually paid by the consumer?

Mr. HARRIS. It must be passed on to the consumer, and the State regulatory commission must give that company relief in its accounting for the cost that the Federal Power Commission requires of them in making this duplicate accounting report.

Mr. BOW. Then rather than the possibility of an increase in rates, if this bill is passed so that the company does not pay the $2 million extra it might involve a reduction?

Mr. HARRIS. Obviously it would tend to reduce rates.

Mr. BEAMER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Indiana.

Mr. BEAMER. Is it not true that in the committee hearings it was said it might save the consumers as much if not more than $2 million annually?

Mr. HARRIS. That is the testimony.

Mr. Chairman, in the debate under the 5-minute rule I am going to take time to explain another phase to which the gentleman from Illinois has referred, and that is the question of resale within the State.

Mr. HINSHAW. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Chairman, in the moment that I have to address the committee, I want to make just one point, that whatever opinions may be expressed with respect to the Rizley bill, the Kerr bill, or any other bill that has been before this House in the past, that those bills have no relationship whatsoever to the bill now before us.

This bill had a full hearing before a subcommittee presided over by the distinguished gentleman from California, [Mr. HINSHAW]. It had the consideration of the full Committee on Interstate and Foreign Commerce, and it was reported without a dissenting vote in the committee. I realize that the ranking minority member is now evidently opposed to the bill, but that opposition was not made vocal on the occasion when the committee voted upon the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HINSHAW. Mr. Chairman, I yield the gentleman an additional half minute.

Mr. WOLVERTON. I want to impress upon you also the fact that this bill had the support of the 48 utility commissions throughout the Nation. Furthermore, there was no one who appeared against the bill in the hearings.

The consumer interests are taken care of. I am just as much interested in that being done as is the gentleman from Ohio [Mr. CROSSER] who has just spoken. This bill provides that regulation shall be by the State bodies in each of the States. Therefore it can be readily seen that the consumer interest is properly taken care of and in the usual way in cases such as this.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HINSHAW. Mr. Chairman, I yield one-half minute to the gentleman from Maine [Mr. HALE].

Mr. HALE. Mr. Chairman, I am very much in favor of this legislation. The whole subject of the Natural Gas Act is one in which I have been deeply interested ever since our Committee on Interstate and Foreign Commerce first took up the Rizley bill, I believe in the 80th Congress, and subsequently the Kerr bill. These were much more complicated pieces of legislation. This is a simple piece of legislation and there should not be any objection to it. I regard it as a noncontroversial measure.

Mr. HINSHAW. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. CARRIGG].

Mr. CARRIGG. Mr. Chairman, as a member of the subcommittee who listened to all the testimony before that committee regarding this bill, I wish to concur in the sentiments that have been expressed here by the gentleman from California [Mr. HINSHAW] and the gentleman from Arkansas [Mr. HARRIS]. I think that this is good legislation, and I sincerely hope it will be approved by the House.

Mr. HINSHAW. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana [Mr. BEAMER].

Mr. BEAMER. Mr. Chairman, as a member of the subcommittee, I would like to say that one of the most important factors brought up in our hearings, it seemed to me, was the condition that would prevail if this bill passed. It will save a lot of money to the taxpayers, to the consumers, and to the ultimate users of the natural gas. I think that is a very important factor that has been emphasized by various Members and primarily by the chairman of our full committee.

Mr. HINSHAW. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. PRIEST].

Mr. PRIEST. Mr. Chairman, I think this bill has been adequately explained. It is a rather simple provision, as I see it. Complete hearings were held before a subcommittee. The entire committee looked fully into the matter.

I feel it is hardly necessary to go into a discussion of the provisions any further. I am supporting the legislation and I urge that the bill pass. Its passage will clarify the law with respect to duplicate regulation of the sale and distribution of natural gas within a State.

Mr. HINSHAW. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the Natural Gas Act (15 U. S. C. 717), as amended, is amended by adding thereto a new subsection (c), as follows:

"(c) The provisions of this act shall not apply to any person engaged in or legally authorized to engage in the transportation in interstate commerce or the sale in interstate commerce for resale, of natural gas received by such person from another person within or at the boundary of a State and is ultimately consumed within such State, or to any facilities used by such person for such transportation or sale, provided such person and facilities be subject to regulation by a State commission. The matters exempted from the provisions of this act by this subsection are hereby declared to be matters primarily of local concern and subject to regulation by the several States. A certification from such State commission to the Federal Power Commission that such State commission has regulatory jurisdiction over such person and facilities and is exercising such jurisdiction shall constitute conclusive evidence of such regulatory power or jurisdiction."

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. HINSHAW. Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the committee amendments as follows:

Page 1, line 11, strike out "and" and insert "if all the natural gas so received is."

Page 2, line 2, after "provided", insert "that the rates and service of."

Page 2, line 8, after "over", insert "rates and service of."

The committee amendments were agreed to.

Mr. HESELTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this opportunity to clarify any misunderstanding as to the position I have taken on the floor here on this bill and the fact that there does not appear to have been any dissent in the full committee at the time the bill was reported out.

As a matter of fact, I am not a member of the subcommittee that held the hearings, and on the morning the bill was reported out I was compelled to appear before the Committee on Government Reorganization in connection with Reorganization Plan No. 10. Consequently, I could not express my opinion at that time.

I do, however, want to reiterate my concern as to whether we are acting prematurely, whether we may not have to undo some of what we are doing today. But more particularly I want to reemphasize my conviction that this Commission should look into this situation, as well as all other intergovernmental situations which we have said throughout the consideration of this bill is of extreme importance to sound government.

I understand that the other body has not even reported a similar bill. Consequently, nothing is going to be done about it until the next session, and I think the better judgment would be to take a rather serious look at the report of the Commission before we undertake to deal with this single isolated matter.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. HESELTON. I yield.

Mr. KEATING. I was very much opposed to the so-called Kerr bill when it was up here on the floor a year or two ago. I would like to ask the gentleman if he would explain the difference between this bill and that bill. That was an effort to deprive the Federal Power Commission of any jurisdiction over the regulation of either the production or the gathering of the gas, and this bill has to do, if I understand correctly, with the actual distribution within the State. Is that correct?

Mr. HESELTON. As I understand, that is correct.

Mr. KEATING. It does not seem to me that the same objection would apply to depriving the Federal Power Commission of jurisdiction to regulate rates in this case as would in the case of the Kerr bill. After the gas comes to rest, so to speak, it seems to me the rate regulation should be the exclusive concern of the State public service commission.

Mr. HESELTON. I think the gentleman is right. I personally believe this has no relation to the Kerr bill and that anybody who was troubled by the Kerr bill need not feel that he is taking an inconsistent position if he supports this bill this afternoon.

Mr. KEATING. The gentleman's objection to this bill, as I understand it, is based upon the fact that it is premature because we have already created this Intergovernmental Commission and this is properly one of the matters that should be taken up by that Commission in its deliberations.

Mr. HESELTON. Yes; and I hope that our colloquy here makes it clear to that Commission that unless somebody objects to what is being said, the House wants the Commission to look into this field and that they are not foreclosed by any action we take this afternoon.

Mr. KLEIN. Mr. Chairman, will the gentleman yield?

Mr. HESELTON. I yield.

Mr. KLEIN. May I say to the gentleman from New York [Mr. KEATING], that he has brought up the Kerr bill. The danger of the passage of this legislation, may I say to the gentleman, is that this is opening the door; we are opening the door now; we are saying that the Federal Power Commission shall have no jurisdiction over one phase of this natural gas problem.

The Kerr bill, or the Lyle bill, as I believe it is known in this session, was to the effect that the Federal Power Commission shall have no jurisdiction over the producing of gas in the State itself. That is the danger of what we are doing here; we are opening the door now, and gradually we are going to deal with every phase of this industry; and may I say that every other industry then would have the right to come in and ask why they should be regulated by the Federal Power Commission. That is why I am opposed to this bill.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. HESELTON. I yield.

Mr. KEATING. My feeling is that the actual regulation of rates to the consumers for the distribution of gas after it once gets within the State is properly within the province of the public service commission of the individual State. My objection to the Kerr bill was that it was virtually meaningless to give authority to the Federal Power Commission to regulate the rates for transportation of gas without providing for any check whatever on the wholesale price which obviously was an important element in the cost. In other words, regulation at the retail level by the public service commission of the State was not sufficient alone for the protection of the consumer. I do not think the same thing applies after the gas is in the particular State. I should not want to interfere with the exclusive power of the appropriate State regulatory bodies to establish rates for retail consumption.

Mr. KLEIN. At the present time that case is before the Supreme Court where it will be decided. The point I make is that when we pass a bill such as this we are opening the door to other phases of the industry who will say, "You did it for them; why do you not do it for us?"

Mr. BENNETT of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT of Florida: Page 2, line 2, after the word "for", strike the remainder of the line and insert the words "transportation within such State or sale within such State: *Provided*, That the."

Mr. BENNETT of Florida. Mr. Chairman, I am no authority on this legislation and I am not a member of the committee; but I have been listening carefully to the debate because I think this is an important piece of legislation. In reading the legislation I have tried to find out what some of the phrases mean, as used.

When you read line 2 on page 2 you will find the phrase "for such transportation or sale." There are no phrases in this bill relative to transportation or sale except these phrases: "Transportation in interstate commerce or the sale in interstate commerce for resale."

Members of the committee assured me that it was their intention that these words "transportation or sale" would apply only to gas consumed in intrastate commerce and not to gas consumed in interstate commerce.

The reason I have offered the amendment is to clarify the matter to agree with the purpose of the committee and to provide that this transportation and sale shall only be transportation and sale within such State, which carries out

the avowed intention of the committee.

The bill as written is not capable of the interpretation which the committee would like to have us put on it.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. BENNETT of Florida. I yield to the gentleman from California.

Mr. HINSHAW. I would like to say to the gentleman that this bill was drawn by the legal representatives of the 48 State utility commissions and that these amendments were put in, the words that the gentleman read in italics, at the suggestion of the Federal Power Commission. It has been gone over by at least 100 lawyers for the commissions and for the Power Commission. I am very much afraid that although the intention is as the gentleman states in the words he proposes that any further introduction of such words into the present language may change some meaning of the act which is not intended by the gentleman or by the committee. I hope that the gentleman will not press his amendment.

Mr. BENNETT of Florida. I think that it is necessary to accomplish the objectives of the committee. I certainly hope that the committee will approve the amendment. I have not heard any argument yet which throws any doubt upon the English language, as I have stated it. However, if the amendment is voted down I hope something will be put in the RECORD to show that the intention is as I have indicated.

Mr. HINSHAW. I should like to say that it is the intention, of course, of the entire bill that all of the transportation and sale of the natural gas within the State shall be subject to State regulation and the intention of the entire act is as the gentleman states.

Mr. BENNETT of Florida. I would like to point out, when you take out the surplus language from the statement there is doubt as to the meaning of this provision.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. BENNETT of Florida. I yield to the gentleman from Arkansas.

Mr. HARRIS. I appreciate, of course, the objective sought by the gentleman in proposing the amendment, and I say this, of course, with all due respect and thorough understanding of the gentleman's intentions. But, I must say in all frankness that his amendment would certainly confuse the provisions of this paragraph.

Mr. BENNETT of Florida. Why would it?

Mr. HARRIS. This paragraph must be taken into consideration in connection with the jurisdictional section of the Federal Power Commission which is subsection (b) of section 1. That provides for the jurisdiction of the Federal Power Commission with reference to such interstate transactions. Now, subsection (c) is an additional paragraph which we are considering here today which further clarifies the jurisdiction as provided under the act of 1938. The gentleman fails to read the provisions, that is, the language on the first page. The gentleman, I am fearful, has overlooked the language on page 1 where it refers to "authorized to engage in the transportation in interstate commerce or the sale in interstate commerce for resale, of natural gas." What natural gas? "The natural gas received by such person from another person." Where? "Within or at the boundary of a State if all of the natural gas so received is ultimately consumed within such State." In other words, the language of this paragraph says that if it is received at the boundary or within that State and consumed within the State, then it comes under the provisions of this exemption. If it comes in and is received at the boundary of the State or within the State and then is transported on through into some other State then it goes back into interstate commerce and subject to the jurisdiction of the Federal Power Commission.

Mr. BENNETT of Florida. The gentleman has merely said he agrees with the same objectives I have stated, but he has gone through a very complicated use of the English language to arrive at that conclusion.

Mr. HARRIS. I am sorry the gentleman feels that way about it, because this was arrived at after discussing this matter with the Legislative Counsel and those experienced in writing language on matters of this kind, and which the courts have considered, after the committees of the House have considered it and the industry has considered it and commissions all over the United States have considered it.

Mr. BENNETT of Florida. That is all very fine, but the courts have not considered this language, and the gentleman cannot submit one case in which they have.

Mr. HARRIS. The courts have considered the jurisdictional section, and that is what the gentleman's language applies to.

Mr. BENNETT of Florida. I challenge the gentleman to submit to me any court decision, whether minor or major court, saying when you use the phrase "such transportation or sale" in the same sentence, that it will not relate to the transportation or sale which has been previously defined in that provision.

Mr. HARRIS. What I tried to point out to the gentleman is that what he is trying to do is adequately taken care of on page 1, the language that I referred to.

Mr. BENNETT of Florida. I maintain it is not.

Mr. HARRIS. The ultimate effect of the gentleman's language is a restatement of the same thing and striking out certain language that goes with the previous statement on the first page may have serious effect on it.

Mr. BENNETT of Florida. The gentleman knows I have no personal ax to grind. I am trying to help the legislation.

Mr. HARRIS. So am I.

Mr. BENNETT of Florida. We all agree that the meaning and intent is the same on all points, and I do not think anybody that knows the English language will say that the words "such transportation or sale" as used on line 2 could conceivably refer to anything else but the two words used on the first page, and they are not, in my opinion, modified as you indicate; but are modified by the word "interstate."

The CHAIRMAN. The time of the gentleman from Florida has expired.

The question is on the amendment offered by the gentleman from Florida.

The amendment was rejected.

Mr. YATES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask a question of the chairman of the committee. As I understand the bill, it is intended that where a State has certified to the Federal Power Commission it has regulatory jurisdiction over the rates and service of a person or firm operating entirely within its borders, in a case in which the person is engaged in the business of distribution, in that case the Federal Power Commission would be relieved of its jurisdiction and the State would assume such jurisdiction. Is that correct?

Mr. HINSHAW. I think the language is quite clear:

> A certification from such State commission to the Federal Power Commission that such State commission has regulatory jurisdiction over rates and service of such person and facilities and is exercising such jurisdiction shall constitute conclusive evidence of such regulatory power or jurisdiction.

Mr. YATES. Will the gentleman agree with me that this bill is directed solely to the distribution facilities within the State?

Mr. HINSHAW. Exactly.

Mr. YATES. If the same set of facts occurs with respect to production facilities, should not the same principle apply? Is not the gentleman therefore arguing for the principle of the Kerr bill?

Mr. HINSHAW. No; I do not think I am arguing for anything but this bill.

Mr. YATES. If what the gentleman has stated is correct, what is the distinction to be drawn, then?

Mr. HINSHAW. The State commissions do not exercise regulatory control over the production of natural gas.

Mr. YATES. It is my understanding that on the basis of the Phillips decision by the Federal Power Commission last year, where facilities for production are entirely contained within the boundaries of a State the Federal Power Commission has voluntarily disassociated itself from the regulation of those facilities.

Mr. HINSHAW. If what is produced is consumed entirely within the State.

Mr. YATES. Will not the gentleman agree with me that that was the essence of the Kerr bill?

Mr. HINSHAW. No; I think the essence of the Kerr bill was much broader than that.

Mr. YATES. In what respect, may I ask the gentleman?

Mr. HINSHAW. I yield to the gentleman from Arkansas, who handled that bill and will be able to answer quite fully.

Mr. HARRIS. I should say that the principle involved is the same, except that it is on the other end.

Mr. YATES. In other words, the Kerr bill applied to the producing end and this bill applies to the distributing end?

Mr. HARRIS. The Kerr bill dealt with the producing and gathering end at arm's length, that is sales with interstate

gas companies. This deals with the other end, the distributing end, whereby a local distributing company acquires gas at or within the State boundary and distributes it to the consumers within that State.

Mr. YATES. Therefore, it could be logically argued that if we relieve the Commission of jurisdiction in this instance we could relieve the Commission of jurisdiction in the Kerr bill as well?

Mr. HARRIS. The gentleman knows my feeling on that. I think it is right; it should be. I do not think jurisdiction was intended to be given to the Federal Power Commission in the first place in the passage of the Natural Gas Act of 1938.

Mr. YATES. Then the gentleman makes the same contention with respect to this bill?

Mr. HARRIS. I certainly do. If the gentleman will read the dissenting opinion which he lauded so highly a moment ago he will clearly see that two members of the Supreme Court said, "We should not by judicial processes nullify and deprive the States of the authority the legislation originally intended the States to have."

Mr. YATES. If the gentleman will read that decision he will find that the Supreme Court held sales for resale of natural gas solely within a State are considered as being in interstate commerce. That was the point I made with respect to that dissent. The majority and the minority were in agreement on that point. Certainly, this bill violates the Constitution in according to State agencies a regulatory power which is properly the subject of the Federal Government.

Mr. HARRIS. Mr. Chairman, I move to strike out the last word.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. COLMER. I would like to propound a question to my distinguished and learned friend who knows as much about this bill as anyone. The question is what effect this bill would have on the rates paid by a gas company operating exclusively in the intrastate retail distribution of gas such as I have in my own congressional district, and purchases gas which is purchased and delivered through one of these interstate lines at wholesale for such distribution at retail. What effect would that have upon such an arrangement?

Mr. HARRIS. As I understand the gentleman's problem, as he explained a moment ago, his State regulatory commission of Mississippi does not have authority under the laws of the State of Mississippi to regulate the distribution of natural gas to the consumers, is that correct?

Mr. COLMER. That is my understanding, yes. I should have stated that in my question.

Mr. HARRIS. And the question here is what effect this would have on a situation like that. It will have none whatsoever because under the provisions and language of this bill, the State regulatory commission must certify to the Federal Power Commission that it has jurisdiction over the rates and services and the activities of the company, within the State and is exercising that authority. If your commission is unable to make such certification to the Federal Power Commission, then this bill will have no effect at all or would in no way change the existing situation in your State. I might say to the gentleman, though it is generally misunderstood, the Federal Power Commission has never exercised any jurisdiction over the rates within the States. It is precluded under the act from exercising such jurisdiction over rates. Consequently, there could be no change whatsoever. The only authority the Federal Power Commission has, which it claims and which it went to the Supreme Court on at that time, is over accounting methods and certification.

Mr. COLMER. Possibly the gentleman did not understand me; what I am interested in here is what effect it would have in such a case upon the wholesale or delivered price or the regulation of the wholesale price because if the wholesale price could not be regulated, then, of course, the distributing company would not be able to give its patrons the benefit of low rates which they now enjoy.

Mr. HARRIS. This does not change present law in that regard whatsoever.

Mr. COLMER. I thank the gentleman.

Mr. HARRIS. Mr. Chairman, there is just one other thing that I want to mention here which the gentleman from Illinois has brought up and which, apparently, is not clearly understood. That is the question of transportation of such gas wholly within the State for resale. Here is the reason for the provision. I will give you an example within one State. An interstate trunk line delivers and sells gas to a distributing company within the boundary of the State. The interstate gas company has a contract for industrial use of gas to an industry which goes through the lines of the distributing company. Under the provisions of the act, which passed the other body a year ago, which did not include this language, the mere fact that this distributing company permitted the industry within that State to let the gas go through its line for hire and to be used as an industrial proposition, which the commission has no control or authority over whatsoever, the commission then would take jurisdiction over the distributing company within the State simply because it let the gas go through its line. The company had no control whatsoever and did not even get a bill to pay for it.

Now that is the type of situation this added language is to take care of in order that these distributing companies would not have to suffer when they are providing services within the State which the people demand.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

If there are no further amendments, the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CHENOWETH, 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. 5976) to amend section 1 of the Natural Gas Act, pursuant to House Resolution 354, he reported the same back to the House, with sundry amendments adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were 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. GREEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GREEN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. GREEN moves to recommit the bill to the Committee on Interstate and Foreign Commerce.

Mr. HINSHAW. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. GREEN), there were—ayes 41, noes 117.

Mr. GREEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred twenty-two Members are present, a quorum.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GREEN. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were refused.

The bill was passed, and a motion to reconsider was laid on the table.

SUPPLEMENTAL APPROPRIATIONS, 1954

Mr. TABER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6200) making supplemental appropriations for the fiscal year ending June 30, 1954, 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 New York? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. TABER, CLEVENGER, COTTON, DAVIS of Wisconsin, CANNON, ROONEY, and GARY.

AMENDING THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949

Mr. VORYS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 5742) to amend the International Claims Settlement Act of 1949.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the International Claims Settlement Act of 1949, approved March 10, 1950 (64 Stat. 12; 22 U. S. C. 1625), is hereby amended by striking out the words "4 years following the effective date of this act:" and inserting in lieu thereof "December 31, 1954:".

SEC. 2. Section 7 (b) of such act is amended by striking out "3 per centum" and substituting in lieu thereof "5 per centum."

With the following committee amendment:

Page 1, after line 10, insert a new section as follows:

"SEC. 3. Section 3 of such act is amended by adding at the end thereof:

" 'No members of such Commission shall be appointed after the effective date of this act until such Commission is reorganized by further act of Congress but acting members may be designated by the President as provided by this section, who shall receive no compensation from the funds appropriated by H. R. 6200 for defraying the expenses of such Commission'."

The committee amendment was agreed to.

Mr. VORYS. Mr. Speaker, this bill permits operations under the International Claims Settlement Act of 1949 (Public Law 455, 71st Cong.) to be carried forward on an interim basis pending the enactment of additional legislation providing for a complete reorganization of the International Claims Commission of the United States. Such reorganization is essential but it is important that processing of the claims continue in the meantime since there is $17 million on deposit in the United States Treasury in settlement of United States claims against Yugoslavia which belong to citizens of the United States, of which only $740,000 has so far been awarded; and only $117,000 has been disbursed, together with $174,678 deposited by the Republic of Panama under the United States-Panama Claims Convention of October 11, 1950, of which none has been distributed.

THE YUGOSLAVIA CLAIMS AGREEMENT OF 1948

On July 19, 1948, the Government of the United States signed an executive agreement with the Federal Peoples Republic of Yugoslavia under which the United States accepted $17 million in United States currency in full settlement of claims of the Government of the United States against the Government of Yugoslavia. As a result of this settlement of the United States Government was confronted with the problem of distributing this sum among the United States citizens with claims against Yugoslavia for which this money was intended.

FUNCTION OF THE INTERNATIONAL CLAIMS COMMISSION OF THE UNITED STATES

The International Claims Settlement Act of 1949 established the International Claims Commission of the United States within the Department of State consisting of three Commissioners. The primary job of this Commission was to adjudicate the claims of United States citizens and distribute the $17 million available among these claimants. Negotiations with the Yugoslav Government were not involved since the payment of $17 million was in full and final settlement of the Yugoslav obligation.

In addition to the handling of the Yugoslav claims, the Commission was given jurisdiction over the adjudication of claims "included within the terms of any claims agreement hereafter concluded." Only one additional claims agreement has been brought before the Commission, the United States-Panama Claims Convention of October 11, 1950. This involves a total payment of $400,000 by Panama (of which $174,678 has been received). No awards to United States citizens under this agreement have yet been made by the Commission.

LIMITATIONS ON THE COMMISSION

The International Claims Settlement Act of 1949 (sec. 7 (b)) provides that 3 percent of all payments of claims under the act shall be covered into the United States Treasury as reimbursement for expenses incurred by the United States.

In order to facilitate prompt action by the Commission the act requires that all action involving Yugoslav claims be completed not later than 4 years after the effective date of the act. This requires termination by March 10, 1954.

PERFORMANCE OF THE COMMISSION

During a period of 39 months of the 48 months fixed by law for the completion of the work of the Commission, the Commission has entered 132 awards, or proposed awards, amounting in total to $740,000, and has incurred expenses of $500,000. Some 1,000 claims have not yet been passed on and $16,260,000 of the Yugoslav settlement remain to be distributed. At present there are no Commissioners in office. One resigned in January 1953. The other two members' terms of office were fixed by the President as terminating June 30, 1953, under section 3 (c) of the act.

APPROPRIATIONS

Appropriations for carrying out the International Claims Settlement Act of 1949 have always been made with the intention that operations under the act will involve no ultimate cost to the United States taxpayer. The act provides for deducting 3 percent of the payments to cover expenses. Three percent of $17 million is $510,000. Administrative expenses for fiscal 1951 were $145,852 and for fiscal 1952 were $197,936. The appropriation for fiscal 1953 was $161,419, bringing the total to $505,207. This held the total of appropriations within the 3 percent limit.

No further appropriations can be made within the administrative cost limitation of 3 percent. Regardless of any judgment which may be made as to past operations under the act, nearly all of the money which the United States holds to meet the claims of its citizens is still to be distributed. It is necessary that further funds be provided to carry on this task. At the same time it is desirable to maintain the principle that the cost of settling the various claims be borne by the beneficiaries and not by the United States taxpayer.

This bill amends the International Claims Settlement Act by increasing the amount deducted to cover expenses from 3 percent to 5 percent.

The supplemental appropriation bill for fiscal 1954—H. R. 6200—as passed by the House and reported by the Senate Appropriations Committee to the Senate provides $220,000 for the International Claims Commission. Five percent of $17 million is $850,000, so that the appropriation holds total expenses within the 5 percent limit.

EXTENSION OF TIME

The bill extends the time for settling all Yugoslav claims from March 10, 1954, to December 31, 1954. It is the opinion of the executive branch that all work on these claims can be finished by that date.

COMMITTEE AMENDMENT

The committee is convinced that a complete reorganization of the International Claims Commission is essential. In order to insure that such reorganization will take place the bill has been amended to provide that no members of the Commission may be appointed until such reorganization is accomplished by further act of Congress and that in the meantime, Acting Commissioners may be designated from personnel already employed by the United States Government who will not receive compensation from funds appropriated by H. R. 6200.

Mr. Speaker, I opposed the creation of this Commission in 1949. Its abominable performance, with scandals involving the lawyer who originally lobbied the bill for the State Department, the outrageous delays, have shown that my opposition was well founded. A thorough housecleaning is needed. Meanwhile, we must not further delay justice to the claimants. Operations can go forward under this interim bill, with acting Commissioners who will serve without cost to the fund, in addition to their other duties in the Federal departments where they are now employed.

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

Mr. VORYS. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks on this bill at this point.

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

There was no objection.

Mr. ALLEN of California. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ALLEN of California. Mr. Speaker, I present herewith the 1953 Report of the Board of Visitors to the United States Merchant Marine Academy.

At the meeting of the Board of Visitors on May 9, 1953, at the United States Merchant Marine Academy at Kings Point, the Board elected Senator Charles W. Tobey of New Hampshire to serve as its Chairman. On July 24, 1953, Senator Tobey addressed a letter to me transmitting the report of the Board of Directors, with the request that I submit it to the gentlemen from New York [Mr. BECKER and Mr. KEOGH], and indicating that if it met with our approval he would place the report in the CONGRESSIONAL RECORD.

Senator Tobey having died before he had an opportunity to conclude the transaction and the report having been approved by Mr. BECKER, Mr. KEOGH, and myself, I submit it to the Congress. The report is as follows:

REPORT OF THE BOARD OF VISITORS TO THE UNITED STATES MERCHANT MARINE ACADEMY, 1953, KINGS POINT, N. Y.

MAY 9, 1953.

THE PRESIDENT OF THE SENATE.
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

GENTLEMEN: Pursuant to Public Law 301, 78th Congress, approved May 11, 1944, the following Senators and Members of the House of Representatives were designated to constitute the 1953 Board of Visitors to the United States Merchant Marine Academy:

By the President of the Senate: Senator IRVING M. IVES, Republican, of New York.

By the chairman, Senate Committee on Interstate and Foreign Commerce: Senator ANDREW W. SCHOEPPEL, Republican, of Kansas; Senator A. S. MIKE MONRONEY, Democrat, of Oklahoma.

By the Speaker of the House of Representatives: Congressman FRANK J. BECKER, Republican, of New York; Congressman EUGENE J. KEOGH, Democrat, of New York.

By the chairman, House Committee on Merchant Marine and Fisheries: Congressman JOHN J. ALLEN, Republican, of California; Congressman TIMOTHY P. SHEEHAN, Republican, of Illinois; Congressman EDWARD J. HART, Democrat, of New Jersey.

Ex officio members: Senator Charles W. Tobey, Republican, of New Hampshire (chairman, Senate Committee on Interstate and Foreign Commerce); Congressman ALVIN F. WEICHEL, Republican, of Ohio (chairman, House Committee on Merchant Marine and Fisheries).

The meeting of the 10th Congressional Board of Visitors to the United States Merchant Marine Academy took place on May 9, 1953.

The Board assembled at Wiley Hall, Kings Point, at 9:30 a. m., Saturday, May 9, 1953, where they were welcomed by the Superintendent of the United States Merchant Marine Academy, Rear Adm. Gordon McLintock, and his staff.

The following members of the Board were present: Senator Charles W. Tobey, New Hampshire; Congressman John J. Allen, California; Congressman Frank J. Becker, New York; Congressman Eugene J. Keogh, New York, and Congressman Steven B. Derounian, New York, special guest of the Board.

The following officials of the United States Maritime Service Headquarters and the United States Merchant Marine Cadet Corps Headquarters were present: Rear Adm. H. J. Tiedemann, Chief, Office of Maritime Training, and Commandant, United States Maritime Service; Capt. John T. Everett, Chief, Division of Cadet Corps Training, and Supervisor, United States Merchant Marine Cadet Corps; Comdr. Calvin R. Shorter, Chief Liaison Officer, Office of Maritime Training.

FIRST MEETING OF THE BOARD

The Tenth Congressional Board of Visitors convened in the conference room in Wiley Hall, under the temporary chairmanship of Senator Charles W. Tobey, New Hampshire, at 9:30 a. m.

The Board elected Senator Charles W. Tobey, New Hampshire, to serve as permanent chairman and confirmed the appointments of Comdr. Clifford W. Sandberg, Lt. Comdr. Francis A. Litchfield, and Lt. John A. Walsh, United States Maritime Service, as secretary and assistant secretaries, respectively.

Department heads and administrative personnel were introduced to the Board, after which the Superintendent presented his report. Following discussion of the report, the members of the Board were escorted to Tomb Memorial Field to witness the formal regimental review. After the review, Cadet-Midshipman John Morgan, of Maine, regimental commander, and Cadet-Midshipman Donald K. Patton, of New Jersey, regimental adjutant, invited the Board to lunch with the regiment of cadet-midshipmen in Delano Hall. Recess was taken at 12 noon.

MEETING WITH THE REGIMENT OF CADET-MIDSHIPMEN

At luncheon, Senator Charles W. Tobey, New Hampshire, addressed the regiment of cadet-midshipmen briefly at the conclusion of the meal.

Cadet-midshipmen from the districts and States represented by members of the Board were thereupon presented to the Board members. Private conferences were carried on in the cadet-midshipmen's lounge from 12:45 to 1:20.

SECOND MEETING OF THE BOARD

The Board sat in executive session with the secretary and the assistant secretaries. At this meeting, the chairman instructed the secretary as to those items which were to appear in the report of the Tenth Congressional Board of Visitors. The results of these deliberations appear in this report under general comments and specific recommendations.

GENERAL COMMENTS

The Board listened with great interest to the superintendent's report, in which was given a summary of the activities and accomplishments of the United States Merchant Marine Academy during the period 1943–53, and the results of the specific recommendations made by the Congressional Boards of Visitors for this period, and desires to compliment him upon it.

The Board was favorably impressed with the high morale and esprit de corps in existence at Kings Point in spite of the continually diminishing annual appropriations and the elimination of the cadet-midshipmen's monthly allowance.

The Board is in complete accord with the recommendation of the Superintendent and the Chief, Office of Maritime Training, that a stable, annual budget in the amount of $2,750,000 be established for Kings Point.

In its 1952 report, the Board had this to say:

"The institution in some respects gave the impression of being in the last death throes of a so-called economy attack. Appropriations for this Academy have been steadily reduced for the past 4 fiscal years. The number of midshipmen has steadily increased in comparison to the number of staff allowed. In 1946 there was one staff member for every 1.8 midshipmen. At present there is one staff member to 2.7 midshipmen. A similar Federal academy enjoys the ratio of 1 staff to 1.4 cadets, and other Federal academies operate under even more favorable ratios."

It is to be noted that the overall budget for Kings Point has decreased from a 1948 budget of $2,845,000 to a 1953 budget of $2,053,000 despite continual rise in costs of goods and services.

The Board had hoped that its recommendations might have borne some weight and have been given some consideration, but it finds instead, that in fiscal 1953, rather than being granted increased funds, the Academy has been cut again by an amount that approximates $411,000, of which a large segment is represented by the loss of the cadet-midshipmen's monthly allowance.

The Board considers it a matter of direct discrimination against the cadet-midshipmen of Kings Point that they are not placed on a parity with the cadets and midshipmen of the other Federal Academies. In particular, we make reference to the monthly allowance which has recently been denied the Kings Pointer.

We wish to enter upon the record in the strongest terms that there should be no differences in existence among the several academies with respect to the monthly allowances granted students in training. For the young American boy in training at a Federal academy, there is a fundamental equality of obligation which is imposed upon the student irrespective of the Federal academy at which he finds himself.

In each of our Academies the student is placed under a rigorous military discipline which commands his activities throughout the 24-hour day. The Kings Pointer—and his brother at West Point or Annapolis—is thus denied the opportunity to accept outside employment to augment his meager funds.

But, in addition, to deny the Kings Pointer alone both the opportunity to augment his income because of an imposed disciplined life, and a monthly allowance, is considered by this Board to be a most unfair act of discrimination against the Kings Pointer.

This has the added unfortunate feature of causing the Kings Point education to be denied to the sons of our less affluent families with the result that Kings Point may well become a rich man's school.

Further, the Board was distressed to learn that even in the matter of allowances for food rations the Kings Pointer is not on a parity with his brothers in training at the other Federal academies. The Board is unable to accept the strange philosophy that an 18-year-old stomach at Kings Point requires less food that an 18-year-old stomach at West Point.

For these reasons, the Board vigorously supports the objective of an overall budget figure which would correct these obvious injustices.

In making its tour of inspection of the physical plant of the Academy, the Board noted the clear indications of the great effort being made to try to maintain the external appearance of the buildings, the grounds, and the equipment in a ship-shape condition.

Inquiry, however, brought out further substantiation of the necessity of adequate funds to maintain in a satisfactory condition this admirable Academy which is such an important element in our national defense structure.

Corroded piping needs replacing; hot and cold water mains are approaching and in some cases have exceeded, their useful life; branches of steam piping to the commissary department, where all the cooking is done, require extensive repairs; roofs are beginning to leak and new copper leaders and gutters are required; extensive repairs are needed on the piers and the electrical wiring which serves the piers; instructional motion-picture machines require repair and replacement; and as the inquiry progressed, it was obvious that the recommendation of the 1952 Congressional Board of Visitors that "an additional amount of $200,000 be made available for the purpose of effecting urgently needed repairs, maintenance work and replacements" requires further action, the receipt of about $74,000 in fiscal 1953, which was the direct result of this specific recommendation, being insufficient. The

need for a good portion of this original request for additional funds still remains.

The Board was particularly gratified to learn that well over one-half of the funds necessary for constructing the planned memorial chapel, or about $300,000, has been raised through public subscription since the campaign.

In its final analysis, the Board is completely convinced that Kings Point is serving the Nation well, that it is an essential part of our national policy. We are most favorably impressed with the quality and character of the young American boys who make up the regiment and the caliber of the members of the staff. Indeed, the general reaction of those Congressmen viewing the Academy for the first time is one of considerable surprise that so fine an institution and training program exists for our merchant marine.

The Board is no less impressed with the outstanding record of this admirable Academy which has provided so many thousands of highly competent officers for our merchant marine and our Navy. In matters maritime in both peace and war, Kings Point stands as a monument of service to the Nation, and the Board therefore views with some concern the incongruous draft situation in which the merchant marine officer who is a member of the United States Naval Reserve finds himself. It seems to this Board that there is an implied defect in the implementation of the laws regarding military service when a Naval Reserve officer actively serving aboard a merchant vessel as a ship's officer finds himself faced with the possibility of being required to serve in the Army as a private. This possibility exists not alone for Kings Pointers but all merchant marine officers who are members of the Merchant Marine Reserve section of the United States Naval Reserve.

The situation is simply one in which Merchant Marine Reserve officers, whether graduates of Kings Point or not, are subject to call to active military service by both the Department of the Navy and the local selective service board. It is, therefore, entirely possible for the following situation to arise: A Merchant Marine Reserve officer receives orders to appear before his local draft board for induction as soon as his vessel makes port. Since he holds a commission as a Naval Reserve officer he is given the opportunity to activate his commission. However, it could be possible that the Navy, at that moment, has neither the immediate need or funds to place this officer on active duty no matter how anxious he may be to fulfill his obligations as a Reserve officer. With his resultant induction the Army could then find itself with a Naval Reserve officer trained for a life at sea and the Navy could find itself minus the availability of one of its experienced Reserve officers.

This is a particularly puzzling and troublesome situation for the Kings Pointer who is educated as a highly competent and loyal Naval Reserve officer by one agency of the Government only to discover another agency ready to cause him to enter the Army as a private where his highly specialized knowledge would be largely wasted.

We submit that this represents a misuse of manpower and suggest that here is a matter which deserves attention.

In the full expectation that the following comments will assist those responsible for carrying out the mission of the United States Merchant Marine Academy, the 1953 Congressional Board of Visitors makes these specific recommendations:

1. The Board specifically recommends that the annual appropriation for the United States Merchant Marine Academy be stabilized at this period to the sum of $2,750,000.

2. The Board specifically recommends that Congress approve the necessary funds to be added to the sum raised by private subscription to permit the construction of the memorial chapel.

3. The Board specifically recommends that a sum not to exceed $150,000 be made available for effecting urgently needed repairs, necessary maintenance work, and the replacement of equipment and utility services.

CONCLUSION

The Board was impressed by the high quality of the staff and by their devotion to duty during these difficult years of financial setback. The Board particularly complimented the Superintendent upon his displayed qualities of dynamic leadership coupled with commonsense throughout this difficult period and upon the fine achievements of national accreditation, national prestige, and national service which have been reached under his wise guidance.

The Board wishes to extend its thanks to Rear Adm. H. J. Tiedemann, Chief, Office of Maritime Training, and Capt. J. T. Everett, Supervisor, United States Merchant Marine Cadet Corps, for the assistance rendered by them.

The chairman and members of the Board wish to express their appreciation to Commander C. W. Sandberg and Lt. Comdr. F. A. Litchfield and Lt. J. A. Walsh for their able assistance as secretary and assistant secretaries, respectively, to the Board.

Approved:

JOHN J. ALLEN, Jr.
FRANK J. BECKER.
EUGENE J. KEOGH.

COMMITTEE ON APPROPRIATIONS

Mr. TABER. Mr. Speaker, I ask unanimous consent that the Appropriations Committee may have until midnight tonight to file conference reports.

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

There was no objection.

AMENDMENT TO SECTION 25 (B) (3) OF THE INTERNAL REVENUE CODE

Mr. REED of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 3370) to amend section 25 (b) (3) of the Internal Revenue Code so as to include dependents in the Republic of the Philippines.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. REED]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the fourth sentence of section 25 (b) (3) of the Internal Revenue Code is hereby amended to read: "The term 'dependent' does not include any individual who is a citizen or subject of a foreign country unless such individual is a resident of the United States, the Republic of the Philippines, or of a country contiguous to the United States.

SEC. 2. This amendment shall be effective for taxable years beginning after December 31, 1946.

With the following committee amendment:

Page 1, strike out all after the enacting clause and insert the following: "That section 25 (b) (3) of the Internal Revenue Code (defining the term "dependent") is hereby amended by inserting after the fourth sentence thereof the following new sentence: 'For taxable years beginning after December 31, 1946, the preceding sentence shall not exclude from the definition of 'dependent' any child of the taxpayer born to him, or legally adopted by him, in the Philippine Islands before January 1, 1953, if (i) the child is a resident of the Republic of the Philippines, and (ii) the taxpayer was a member of the Armed Forces of the United States at the time the child was born or legally adopted'."

The committee amendment was agreed to.

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

Mr. REED of New York. Mr. Speaker, H. R. 3370 amends the Internal Revenue Code so as to include within the definition of "dependent" dependents living in the Republic of the Philippines.

Under present law a person cannot qualify as a dependent as defined in section 25 (b) (3) of the Internal Revenue Code unless such person is either a citizen of the United States or a resident of the United States or of a country contiguous to the United States. A person who is not a citizen of the United States and who resides in the Republic of the Philippines cannot qualify as a dependent even though all the other statutory tests are met.

Existing law imposes an unjustified hardship on taxpayers who served in the Armed Forces of the United States in the period following World War II, inasmuch as their children, born or adopted in the Philippines and not acquiring United States citizenship, cannot qualify as dependents while residing in the Republic of the Philippines. In numerous instances, members of the Armed Forces have been required, because of various circumstances, to return to the United States without being accompanied by their Filipino children so that the injustice in question may extend for periods subsequent to their service in the Republic of the Philippines. Even though such members continue to support such children, they are precluded by existing law from the benefit of the dependency credit.

The bill provides that for taxable years beginning after December 31, 1946, a child shall not be excluded from the definition of a dependent within the meaning of section 25 (b) (3) of the Internal Revenue Code merely because he is not a citizen or resident of the United States provided (A) such child is a child of the taxpayer by blood or legal adoption, born or adopted prior to January 1, 1953; (B) such child is a resident of the Republic of the Philippines; and (C) the taxpayer was a member of the Armed Forces of the United States at the time the child was born or legally adopted. Under the bill the tax credit for a child qualifying as a dependent thereunder would not be withdrawn because the taxpayer quits the Armed Forces.

The bill, as amended, does not impose an administrative hardship upon the Government, and the Department of the Treasury has no objection to its enactment.

MODIFICATION OF DUTY ON THE IMPORTATION OF WOOD DOWELS

Mr. REED of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 2763) to amend the Tariff Act of 1930,

so as to modify the duty on the importation of wood dowels, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. REED]?

Mr. GROSS. Mr. Speaker, reserving the right to object, does this bill provide for the importation of more of this product into the country?

Mr. REED of New York. No. It saves an industry in a very small town out in the West.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. REED]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That paragraph 401 of the Tariff Act of 1930 (U. S. C., 1946 ed., title 19, sec. 1001, par. 401) is amended by changing the comma after "$1 per thousand feet, board measure" to a semicolon and inserting thereafter the words "dowels, if of fir, spruce, pine, hemlock, or larch, 25 cents per thousand feet, board measure;".

SEC. 2. Paragraph 1803 of the Tariff Act of 1930 (U. S. C., 1946 ed., title 19, sec. 1201, par. 1803) is amended by inserting "dowels;" in subparagraph (1) between "grooved;" and "all the foregoing."

SEC. 3. Section 3424 of the Internal Revenue Code, as amended (U. S. C., 1946 ed., supp. V, title 26, sec. 3424), is further amended by inserting after "board measure;" the following language "dowels made of fir, spruce, pine, hemlock, larch, or cedar (except cedar commercially known as Spanish cedar), 75 cents per thousand feet, board measure; dowels made of Japanese maple, Japanese white oak, teak, box, ebony, lancewood, or lignum vitae, $3 per thousand feet, board measure; dowels made of other wood, $1.50 per thousand feet, board measure;".

SEC. 4. These amendments shall be effective as to dowels entered, or withdrawn from warehouse, for consumption on or after the day following the date of the enactment of this act and shall apply also to any dowels entered or withdrawn before that day with respect to which the liquidation of the entry or withdrawal has not become final by reason of section 514, Tariff Act of 1930.

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

Mr. REED of New York. Mr. Speaker, H. R. 2763 amends paragraph 401 of the Tariff Act of 1930 and section 3424 of the Internal Revenue Code to provide for the assessment of duty and import tax on dowels of certain species of wood at the same rate applicable to lumber of the same species of wood. It also amends paragraph 1803 of the Tariff Act of 1930 to provide for the entry free of duty of dowels not of fir, spruce, pine, hemlock, or larch.

At the present time, dowels, rough dowels, and rough rounds are classified as wood, unmanufactured, not specially provided for, under paragraph 405, Tariff Act of 1930 (T. D. 53142 (1)). This ruling of the Bureau of Customs was made necessary by the decision of the Customs Court in *Superior Dowel Co. v. United States* ((1950) Abs. 54751, 25 Cust. Ct. 292), which overturned the previous practice of classifying dowels as lumber. The bill returns dowels to their dutiable status prior to the ruling of the Customs Court. The Committee on Ways and Means was unanimous in favorably reporting this legislation.

DETERMINATION OF VALUE, CONVERSION OF CURRENCY, AND CERTAIN AMERICAN PRODUCTS RETURNED

Mr. REED of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6584) to amend the Tariff Act of 1930 with respect to the determination of value, the conversion of currency, and certain American metal products returned.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. REED]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc.—

VALUE

SECTION 1. (a) Section 402 of the Tariff Act of 1930, as amended (U. S. C., 1946 ed., title 19, sec. 1402), is further amended to read as follows:

"SEC. 402. Value.

"(a) Basis: Except as otherwise specifically provided for, the value of imported merchandise for the purposes of this act shall be—

"(1) the export value;

"(2) if the export value cannot be determined satisfactorily, then the United States value;

"(3) if neither the export value nor the United States value can be determined satisfactorily, then the comparative value; or

"(4) if neither the export value, the United States value, nor the comparative value can be determined satisfactorily, then the constructed value; but

"(5) in the case of an article with respect to which there is in effect under section 336 a rate of duty based upon the American selling price of a domestic article, the value shall be the American selling price of such domestic article.

"(b) Export value: The export value of imported merchandise shall be the market value or the price, at the time of exportation to the United States of the merchandise undergoing appraisement, at which such or similar merchandise is freely sold or, in the absence of sales, offered for sale in the principal markets of the country of exportation, in the usual wholesale quantities and in the ordinary course of trade, for exportation to the United States, plus, when not included in such price, the cost of all containers and coverings of whatever nature and all other expenses incidental to placing the merchandise in condition, packed ready for shipment to the United States.

"(c) United States value: The United States value of imported merchandise shall be the price, at the time of exportation to the United States of the merchandise undergoing appraisement, at which such or similar imported merchandise is freely sold or, in the absence of sales, offered for sale in the principal market of the United States for domestic consumption, packed ready for delivery, in the usual wholesale quantities and in the ordinary course of trade, with allowances made for—

"(1) any commission usually paid or agreed to be paid on merchandise secured otherwise than by purchase or agreement to purchase; or, on merchandise secured by purchase or agreement to purchase, the addition for profit and general expenses usually made by sellers in such market on imported merchandise of the same class or kind as the merchandise undergoing appraisement;

"(2) the usual costs of transportation and insurance and other usual expenses from the place of shipment to the place of delivery, not including any expense provided for in subdivision (1); and

"(3) the ordinary customs duties and other Federal taxes currently payable on such or similar merchandise by reason of its importation or Federal excise taxes on, or measured by the value of, such or similar merchandise, for which vendors at wholesale in the United States are ordinarily liable.

"If such or similar merchandise was not so sold or offered at the time of exportation of the merchandise undergoing appraisement, the United States value shall be determined, subject to the foregoing specifications of this subsection, from the price at which such or similar merchandise is so sold or offered at the earliest date after such time of exportation but before the expiration of 90 days after the importation of the merchandise undergoing appraisement.

"(d) Comparative value: The comparative value of imported merchandise shall be the equivalent of the export value as nearly as such equivalent may be determined by the appraiser on the basis of the export or United States value of other merchandise exported from the same country at the time the merchandise undergoing appraisement was exported which is comparable in construction and use with the merchandise undergoing appraisement, with appropriate adjustments for differences in size, material, construction, texture, or other differences.

"(e) Constructed value: The constructed value of imported merchandise shall be the sum of—

"(1) the cost of materials and of fabrication or other processing of any kind employed in producing such or similar merchandise, at a time preceding the date of exportation of the merchandise undergoing appraisement which would ordinarily permit the production of that particular merchandise in the ordinary course of business;

"(2) an addition for general expenses and profit equal to that which producers in the country of production whose products are exported to the United States usually add in sales for exportation to the United States, in the usual wholesale quantities and in the ordinary course of trade, of merchandise of the same general class or kind as the merchandise undergoing appraisement; and

"(3) the cost of all containers and coverings of whatever nature, and all other expenses incidental to placing the merchandise undergoing appraisement in condition, packed ready for shipment to the United States.

"(f) American selling price: The American selling price of any article manufactured or produced in the United States shall be the price, including the cost of all containers and coverings of whatever nature and all other expenses incident to placing the merchandise in condition packed ready for delivery, at which such article is freely sold or, in the absence of sales, offered for sale for domestic consumption in the principal market of the United States, in the ordinary course of trade and in the usual wholesale quantities, or the price that the manufacturer, producer, or owner would have received or was willing to receive for such merchandise when sold for domestic consumption in the ordinary course of trade and in the usual wholesale quantities, at the time of exportation of the imported article.

"(g) Taxes: The value of imported merchandise determined in accordance with this section shall not include the amount of any internal tax, applicable within the country of origin or exportation, from which the merchandise undergoing appraisement has been

exempted or has been or will be relieved by means of refund.

"(h) Definitions: As used in this section, the following terms shall have the meanings respectively indicated:

"(1) 'Freely sold or, in the absence of sales, offered for sale'—sold or, in the absence of sales, offered to all purchasers at wholesale, or to one or more selected purchasers at wholesale at a price not less than that at which it would be sold to all purchasers at wholesale, without restrictions as to the disposition or use of the merchandise by the purchaser, except restrictions as to such disposition or use which (A) are imposed or required by law, or (B) limit the price at which or the territory in which the merchandise may be resold, or (C) do not substantially affect the value of the merchandise to usual purchasers at wholesale.

"(2) 'Ordinary course of trade'—the conditions and practices which, for a reasonable time prior to the exportation of the merchandise undergoing appraisement, have been normal in the trade under consideration with respect to merchandise of the same class or kind as the merchandise undergoing appraisement.

"(3) 'Purchasers at wholesale'—purchasers who buy in the usual wholesale quantities for industrial use or for resale otherwise than at retail; or, if there are no such purchasers, then all other purchasers for resale who buy in the usual wholesale quantities; or, if there are no purchasers in either of the foregoing categories, then all other purchasers who buy in the usual wholesale quantities.

"(4) 'Such or similar merchandise'—the merchandise undergoing appraisement shall be considered 'such' merchandise; and other merchandise shall be considered 'such' merchandise if—

"(A) it is identical in physical characteristics and was produced in the same country by the same person; or

"(B) when no value meeting the requirements of the definition of value under consideration can be determined under (A), the merchandise is identical in physical characteristics and was produced by another person in the same country.

Merchandise shall be considered 'similar' to the merchandise undergoing appraisement if it is not within the foregoing definition of 'such' merchandise but—

"(C) it was produced in the same country as the merchandise undergoing appraisement, by the same person, of like materials, is used for the same purpose, and is of approximately equal commercial value; or

"(D) when no value meeting the requirements of the definition of value under consideration can be determined under (C), the merchandise is correspondingly similar and was produced by another person in the same country.

"(5) 'Usual wholesale quantities'—the quantities usually sold in the class of transactions in which the greater aggregate quantity of the 'such or similar merchandise,' in respect of which value is being determined, is sold in the market under consideration."

(b) Paragraph 27 (c) of the Tariff Act of 1930 (U. S. C., 1946 edition, title 19, sec. 1001, par. 27 (c)), is amended by changing "subdivision (g)" to "subdivision (f)" and by changing "subdivision (e)" to "subdivision (c)."

(c) Paragraph 28 (c) of the Tariff Act of 1930 (U. S. C., 1946 ed., title 19, sec. 1001, par. 28 (c)), is amended by changing "subdivision (g)" to "subdivision (f)" and by changing "subdivision (e)" to "subdivision (c)."

(d) Section 336 (b) of the Tariff Act of 1930 (U. S. C., 1946 ed., title 19, sec. 1336 (b)), is amended by changing "section 402 (g)" to "section 402 (f)."

(e) The amendments made by this section shall be effective on and after the 30th day following the date of the enactment of this act.

CONVERSION OF CURRENCY

SEC. 2. (a) Section 25 of the act of August 27, 1894, as amended and reenacted (U. S. C., 1946 ed., title 31, sec. 372 (a)), is repealed, and section 522 of the Tariff Act of 1930 (U. S. C., 1946 ed., title 31, sec. 372) is amended to read as follows:

"SEC. 522. Conversion of currency.

"(a) The Secretary of the Treasury shall keep current a published list, expressed in United States dollars, of the par values which he finds are maintained by foreign countries for their respective currencies. For the purposes of all provisions of the customs laws, whenever it is necessary to convert into an amount expressed in currency of the United States any amount expressed in a foreign currency for which such a par value was maintained for the date as of which the value or cost requiring conversion is to be determined, such conversion, except as specified in subsection (d), shall be made at such par value.

"(b) If no such par value was so maintained for such date, the conversion shall be made at the buying rate for the foreign currency in the New York market at noon on the date as of which the value or cost requiring conversion is to be determined, or, if banks are generally closed on such date in New York City, then the buying rate at noon on the last preceding business day. For the purposes of this subsection, such buying rate shall be the buying rate for cable transfers payable in the foreign currency in which the amount to be converted is expressed, and shall be determined by the Federal Reserve Bank of New York and certified to the Secretary of the Treasury, who shall make it public at such times and to such extent as he shall deem necessary. In ascertaining such buying rate, such Federal Reserve bank may in its discretion (1) take into consideration the last ascertainable transactions and quotations, whether direct or through exchange of other currencies, and (2) if there is no market buying rate for such cable transfers, calculate such rate from actual transactions and quotations in demand or time bills of exchange or from the last ascertainable transactions and quotations outside the United States in or for exchange payable in United States currency or other currency.

"(c) If, pursuant to subsection (b), the Federal Reserve Bank of New York certifies more than one rate of exchange for a particular foreign currency for any date the conversion for customs purposes of amounts expressed in that currency for that date shall be made by applying the applicable rate or rates so certified which reflect effectively the value of that foreign currency in commercial transactions.

"(d) When there are one or more rates of exchange which vary by more than 5 percent from the par value for any foreign currency listed pursuant to subsection (a), the list shall so indicate. In that event such additional rates of exchange may be certified in the manner set forth in subsection (b) and the par value and any certified rates shall be applied in the manner prescribed in subsection (c)."

(b) Section 481 (a) of the Tariff Act of 1930 (U. S. C., 1946 ed., title 19, sec. 1481 (a)) is amended by deleting subparagraph (7) and by renumbering subparagraphs (8), (9), and (10) as (7), (8), and (9).

(c) Section 481 (b) of the Tariff Act of 1930 (U. S. C., 1946 ed., title 19, sec. 1481 (b)) is amended by deleting ", stating whether gold, silver, or paper."

(d) The amendments made by this section shall be effective on and after the 30th day following the date of the enactment of this act.

CERTAIN METAL ARTICLES RETURNED TO UNITED STATES

SEC. 3. (a) Paragraph 1615 (g) of the Tariff Act of 1930, as amended (U. S. C., 1946 ed., title 19, sec. 1201, par. 1615 (g)), is further amended to read as follows:

"(g) (1) Any article exported from the United States for repairs or alterations may be returned upon the payment of a duty upon the value of the repairs or alterations at the rate or rates which would apply to the article itself in its repaired or altered condition if not within the purview of this subparagraph (g).

"(2) If—

"(A) any article of metal (except precious metal) manufactured in the United States or subjected to a process of manufacture in the United States is exported for further processing; and

"(B) the exported article as processed outside the United States, or the article which results from the processing outside the United States, as the case may be, is returned to the United States for further processing, then such article may be returned upon the payment of a duty upon the value of such processing outside the United States at the rate or rates which would apply to such article itself if it were not within the purview of this subparagraph (g).

"(3) This subparagraph (g) shall not apply to any article exported—

"(A) from bonded warehouse or from continuous customs custody elsewhere than bonded warehouse with remission, abatement, or refund of duty;

"(B) with benefit of drawback through substitution or otherwise; or

"(C) for the purpose of complying with any law of the United States or regulation of any Federal agency requiring exportation.

"(4) For the purposes of this subparagraph (g), the value of repairs, alterations, or processing outside the United States shall be considered to be—

"(A) the cost to the importer of such repairs, alterations, or processing; or

"(B) if no charge is made, the value of such repairs, alterations, or processing,

as set out in the invoice and entry papers; except that, if the Secretary of the Treasury concludes that the amount so set out does not represent a reasonable cost or fair value, as the case may be, then the value of the repairs, alterations, or processing shall be determined in accordance with section 402 of this act. No appraisement of the imported article in its repaired, altered, or processed condition shall be required unless necessary to a determination of the rate or rates of duty applicable to such article."

(b) The amendment made by subsection (a) of this section shall be effective as to articles entered, or withdrawn from warehouse, for consumption on or after the day following the date of the enactment of this act and shall apply also to any such articles entered or withdrawn before that day with respect to which no assessment of duty has become final by reason of section 514 of the Tariff Act of 1930.

SAVING CLAUSE

SEC. 4. Except as may be otherwise provided for in this act, the repeal of existing law or modifications thereof embraced in this act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal case prior to such repeal or modification, but all liabilities under such laws shall continue, except as otherwise specifically provided in this act, and may be enforced in the same manner as if such repeal or modification had not been made.

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

Mr. REED of New York. Mr. Speaker, H. R. 6584 amends certain administrative provisions of the Tariff Act of 1930, as amended. The bill contains three sections. Each of these sections was included in the House-passed version of H. R. 5877, the Customs Simplification Act of 1953.

The first section of H. R. 6584 pertains to value determinations on imported merchandise for the purpose of assessing duties. The most important change effected by this section is the elimination of foreign value duty basis. Export value has been made the preferred method of valuation where it can be determined. This change will facilitate the administration of the Customs Service and will expedite the processing of entries by reducing substantially the number of foreign investigations required. Other value classifications provided for in the bill are as follows:

The United States value is the next preferred method of valuation. If neither export value nor United States value can be determined, appraisement is to be made on comparative value before resort is had to cost of production, which term is changed by this section to constructed value, a more descriptive term.

Section 2 of H. R. 6584 relates to conversion of currency. This section continues existing practices in effect with respect to dealing with the conversion of foreign currencies for customs purposes, except that it substitutes a proclamation of the Secretary of the Treasury of par values maintained by foreign governments for the present obsolete proclamations of gold coin parities. It is expected that this change will simplify currency calculations in a large number of cases.

Section 3 of H. R. 6584 permits a domestic processor to export metal articles, except those made of precious metal, for further processing and upon reimportation of these articles a duty is assessed only on the value of the processing done in the foreign country.

The Treasury Department supports the adoption of these changes in the administrative provisions of the Tariff Act. The Committee on Ways and Means was unanimous in urging the adoption of H. R. 6584.

OMNIBUS JUDGESHIP BILL

Mr. ALLEN of Illinois. Mr. Speaker, I call up House Resolution 367 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That 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 (S. 15) to provide for the appointment of additional circuit and district judges, and for other purposes, and all points of order against such bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on the Judiciary now printed in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. 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. ALLEN of Illinois. Mr. Speaker, I yield 30 minutes to the gentleman from Virginia [Mr. SMITH] and yield myself such time as I may desire.

Mr. Speaker, I rise to urge the adoption of House Resolution 367, making in order the consideration of the bill, S. 15, to provide for the appointment of additional circuit and district judges, and for other purposes.

Mr. Speaker, House Resolution 367 provides for an open rule, waiving points of order against the bill. The rule also provides that the substitute amendment now in the bill, for the purposes of amendment shall be considered under the 5-minute rule as an original bill, and a separate vote may be demanded on any amendments adopted in the Committee of the Whole to the bill or committee substitute. One hour of general debate is allowed on the bill itself.

Mr. Speaker, according to the information given before the Rules Committee on this bill, it is necessary because of the congestion on the dockets of the Federal judicial system. It is not necessary to emphasize just how damaging it is to the prestige of the entire Federal judicial system to have such delays in litigation in our courts. S. 15, as amended, proposes to create 3 additional circuit judgeships, 19 permanent district court judgeships, and 4 temporary district court judgeships. These newly created judgeships have been placed in the sections of the country where it is felt the need for expediting the movement of the court calendar is most pressing.

S. 15 also provides that any judge of the United States, appointed to hold office, may retire from active service voluntarily after reaching the age of 65 and after serving at least 15 years continuously, or otherwise, on the bench. Any judge or justice, who becomes permanently disabled from performing his duties, may retire after certifying to the President his disability. If the judge or justice has served 10 years on the bench continuously before becoming disabled, then the judge or justice would be entitled to receive full salary for life. If the judge or justice has served for less than 10 years then he would receive half of his salary for life.

Mr. Speaker, this bill is an important piece of legislation, and I hope that the House will see fit to adopt House Resolution 367, which will make it possible for S. 15 to have a full hearing before the Congress.

Mr. SMITH of Virginia. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this is not the first time that substantially this bill has been here. It was up here a year ago. The folks who were against it last year seem to be for it this year. I do not know whether politics has anything to do with it or not, but I suspect that it might have some bearing on the subject.

Apparently these judges are all needed, but I wish to bring to the attention of this House something that I brought to your attention when the bill got before the House year before last and again last year, and that is in reference to the bill that has been pending for years and years and years in the Committee on the Judiciary which finally got out last year and passed the House but was killed in the other body, a bill that would raise the jurisdictional limit in the Federal courts from $3,000, which was established away back yonder in the last century, to $10,000. The evidence before the Committee on the Judiciary is that if you do that simple thing and take these small cases out of the Federal courts, that it would result in a diminution of 25 percent of the business before the Federal courts of the United States. I do not know why we cannot get that thing through. It seems a very simple and praiseworthy thing to be done, and we would not have to come in here with a flock of 19 judges to be created all over the United States at a permanent, fixed annual expense of $50,000 a judge for every judge appointed, and that is the estimate of cost of maintaining a Federal judge in the United States. In other words, this bill is going to cost from now on out $1 million, when simply a 2-line bill could change the jurisdictional amount from $3,000 to $10,000 and save you 25 percent of the work of the Federal courts.

Mr. JONAS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. JONAS of Illinois. I am heartily in accord with the position the gentle- of damages in order to have the Federal Code so that it would fix the maximum of damages in order to have the Federal court obtain jurisdiction. As the gentleman knows, I have been working along that line. I, for one, would take his recommendation very seriously. But I hope and think the gentleman has merely suggested it as a further improvement on our judiciary and not as a deterrent in looking at the bill now before us.

Mr. SMITH of Virginia. Not at all. I am not opposing the bill. I want the gentleman to understand that. I appreciate the gentleman's statement because I know that with his long experience, both as a lawyer and as a judge, he realizes that I am making a correct statement about what ought to be done about it. I appreciate his support of my position. I hope he will get it out of his committee pretty early.

Mr. JONAS of Illinois. We are going to try.

Mr. SMITH of Virginia. There is one point I want to discuss, and that is that on page 23 of the bill there is a provision that gives the judicial council the jurisdiction to say to any judge, either a present judge or a future judge, where he shall live, if the judicial coun-

cil thinks he ought to live in a certain part of the State.

I think that probably came about by reason of a situation in Virginia where the eastern district of Virginia has three focal points where it holds court, in Alexandria, in Richmond, and in Norfolk. Norfolk is a great seaport town and they do need a judge there, and I think that is what this bill provides for. But the way the bill is worded, they could pick up the judge who lives in Richmond, or the judge who lives in Alexandria, and say to him, "You have to move to Norfolk." I do not think the committee intended to do that. What the committee intended to do was to provide so that these new judges that are to be appointed have to reside where they are needed.

Mr. JONAS of Illinois. I am inclined to think the gentleman's interpretation of what the committee intended is quite accurate. However, the instant matter to which the gentleman referred, namely, to fix the judgship so that the residing judge had to reside in Norfolk, was considered by the committee. Of course, it raised a constitutional question, because you circumscribe the judge with the obligation of living in a certain fixed area. If Norfolk has a suburb, as it probably has, which is not within the limits of the city itself, he might move across the street and disqualify himself as a judge. We tried to write the language in a general way so it would be flexible and not subject a man to a hardship by restricting him to a certain confine.

Mr. SMITH of Virginia. It says they can fix his place of abode.

Mr. JONAS of Illinois. That is right.

Mr. SMITH of Virginia. What I was hoping the gentleman from Illinois would agree to would be a very minor amendment to this bill, which would carry out what I think your committee intended and what is needed, and that is to confine this thing to these new judges that are going to be appointed instead of taking a judge who has lived in one section all of his life and been a Federal judge for 10 years and telling him to move to another section of the State. I do not think the judicial council ought to be given that authority.

The amendment which I would hope the committee would accept would be just where it states, "If the public interest and the nature of the business of a district court require that a district judge shall maintain his abode at or near a particular place," insert the words "hereafter appointed" after the words "district judge." That would do with two additional words just what the chairman says the Judiciary Committee intended. If you just inserted those two words, I think that would make the meaning clear as to what the committee had intended to do.

Mr. JONAS of Illinois. I presume for the purpose of clarification that would tend to take us out of this situation we are in now, but does not that raise a constitutional question? If this would apply to future judges, it would put them in a certain class where they are subject to restrictions as a body, and it would leave the others out and it would raise a constitutional question that I am a little doubtful about.

Mr. SMITH of Virginia. I do not think that would raise a constitutional question. I think the present language of the bill raises the constitutional question. I think what the committee intends to do is to just put a little moral persuasion on that fellow and maybe remind the President that he had better appoint somebody from that particular section anyway.

Mr. JONAS of Illinois. I want to say to the gentleman that it would meet the requirement.

Mr. SMITH of Virginia. I do not think a constitutional question would be introduced if you would say, "judges hereafter appointed" because you can certainly say, "judges hereafter appointed" just as well as you can say "all judges."

Mr. JONAS of Illinois. Does the gentleman agree that the original provision as contained in the bill which came over from the other body, which specifically named the area where the judge should reside, for example, in the city of Norfolk, or the city of San Diego, is subject to the constitutional prohibition?

Mr. SMITH of Virginia. I think it probably would be.

Mr. JONAS of Illinois. To work out this problem then, and to get around that, we have tried to make this language as flexible as possible and not to make it too restrictive. The gentleman suggests then that we add that language to show that this applies only to the newly created judges?

Mr. SMITH of Virginia. You can say, "hereafter appointed" or "appointed under this bill" or "under the provisions of this act."

May I ask the gentleman this question? Am I correct in saying it is not the intention of the Committee on the Judiciary to give the judicial council the power to say to a judge, that is to a present judge who has had a residence in one part of the State, "You must get up and move to another part of the State?"

Mr. JONAS of Illinois. I do not think that was the intention. It was merely to have some advisory control over the judge.

Mr. SMITH of Virginia. That is not the intention of your committee; is that correct?

Mr. JONAS of Illinois. I would readily consider it such.

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

Mr. SMITH of Virginia. I yield.

Mr. KEATING. I am inclined considerably to the feeling that the entire paragraph is not much more than advisory to the judicial council. I am wondering if the judicial council got together and met and ordered a certain judge to leave a certain place and he said that he did not intend to do it—I would doubt seriously whether they could force him to do it and certainly they could not remove him—I would not think—for failing to do so. So possibly the colloquy here may have served its purpose. I am rather inclined, as the gentleman from Illinois is, to the view that it was not intended by the Committee on the Judiciary to disrupt the present living habits of the judges now sitting.

Mr. SMITH of Virginia. That is all I am interested in. We have two judges in the eastern district of Virginia. One lives in Richmond and the other in Alexandria, and I do not want this Congress to give somebody the power to say to those two judges, or either of them, "You have got to get up and move and live down in Norfolk." I am sure that is not what the committee intends. I think it ought to be made perfectly clear. I gather from what the gentleman from New York said he would not be at all worried if someone moved to strike out that section.

Mr. KEATING. I am not, too much, after this colloquy.

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

Mr. SMITH of Virginia. I yield.

Mr. DONDERO. Is there anything in this bill which in any way interferes with the custom now of assigning a district judge to a district where there is much work to do from a district where they have little work to do, in other words, rotating the judges, in a way?

Mr. SMITH of Virginia. There is nothing like that. Of course, the gentleman from New York is more familiar with the bill than I am, but nothing prevents the judge from being assigned to a place where there is more work.

Mr. JONAS of Illinois. I will say to the gentleman, if the gentleman will yield, that this bill adds nothing to existing law which already provides that the judicial council has the power to send a district judge to any section of the United States or its Territories.

Mr. DONDERO. That is where there is more congestion and more judicial work to be done?

Mr. JONAS of Illinois. There is no prohibition in this bill which interferes with that procedure.

Mr. SMITH of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. COUDERT].

Mr. COUDERT. Mr. Speaker, I ask unanimous consent to proceed out of order and to revise and extend my remarks.

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

There was no objection.

Mr. COUDERT. Mr. Speaker, I rise at this time not to discuss judges and courts, important as they may be, but to discuss another matter which will confront us all here with a very cruel dilemma in the next day or two, if the newspapers are to be credited and rumors believed. I am further inspired to take the floor at this particular moment by the statement published in this morning's paper by a very great American and patriot at the other end of the Capitol, the great Senator from Virginia, Senator BYRD.

Mr. Speaker, we are going to be asked at the close of a long, difficult, and often painful session to extend the debt limit; in effect, to sanctify inflation, permanent

inflation; to indicate acquiescence in inflation.

Mr. Speaker, the Senator from Virginia, Mr. BYRD, made the point that he would regard it as a great mistake to increase the debt limit, because a debt of $275 billion is as much as or more than this country should be called upon to stand.

What are we going to do? Are we going to accept blindly, are we going to follow blindly the dictates of this administration, or any other administration, on a matter which is a constitutional responsibility of the Congress, the fiscal stability of the United States? Because it is the Congress, and particularly the House, that is charged with the responsibility of raising revenue and initiating appropriation bills; and thereby, in effect, establishing the fiscal foundation.

If after we have raised taxes we now raise the debt limit and do nothing more, what a fine position we will be in when we go back to our constituents next week and they say, "Boys, what have you been doing down there? You campaigned on the basis of limiting expenditures and reducing taxes and balancing the budget."

Balancing the budget is as far away as it ever was. Taxes have been increased. The debt limit will be increased, and we will have done nothing else.

Mr. Speaker, there is an alternative and a corollary, and it is for that reason I am here now. There is a bill now gently reposing in the lap of the Rules Committee, of which my good friend from Illinois [Mr. ALLEN] is chairman, H. R. 2 reported out of the Committee on Government Operations, which offers an opportunity for Members to make a constructive vote on the most important question before the country today. That is the bill that would require, beginning in fiscal 1955, that the President exercise his power to limit expenditures, no matter how great the carryover funds from appropriations, to limit expenditures so that expenditures will balance with income.

It is obvious that it is too late in this year to do it, but if an increase in the debt limit is shoved down our throats, it seems to me that we should initiate something on our own; that we should exercise some responsibility.

We should ask the Rules Committee to report out H. R. 2 and provide an opportunity to say to this administration, which has failed up to this point to carry out its commitments of economy and prudence and cautious fiscal policy, that has permitted us to reach this position where there is a request for a raise in the debt limit—to say to them that in the 1954 fiscal year you shall——

The SPEAKER. The time of the gentleman has expired.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. COUDERT. To say to the administration, "You now have the power to limit expenditures." Senator BYRD made the point in his statement that the Administration has the power today so to limit its expenditures, if it chooses to limit expenditures, if it chooses to exercise its power. It can do so and make it unnecessary for us to increase the debt limit. My bill, H. R. 2, if you enact it will say to the President: "You must trim expenditures; you must exercise that power in such fashion as to bring about a balanced budget and limit expenditures to the extent necessary." If we pass that we can go home to our constituents next week. Even if we have to increase the debt limit to pay off the obligations, we can go proudly in the knowledge that we have at least adopted one constructive measure that offers some promise of a sound fiscal policy, a balanced budget, and reduced taxes in the future.

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

Mr. COUDERT. I yield.

Mr. MEADER. I am sure the gentleman did not mean to say that this administration was responsible for this debt, for the gentleman knows and has emphasized time and time again that it is the backlog of unexpended appropriations of prior years which is responsible for the expenditures which require the raising of the debt limit. This administration has cut $14 billion off the current budget, the benefit of which will not be felt until future years.

Mr. COUDERT. Let me say to the gentleman that that is quite correct. What I intend to say is that the President having had the power to reduce expenditures over the past 6 months did not sufficiently use it.

Mr. ALLEN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. COUDERT. I yield.

Mr. ALLEN of Illinois. Is it not a fact that this administration has reduced the budget by $13 billion?

Mr. COUDERT. In new obligations.

Mr. ALLEN of Illinois. But I ask the gentleman if it is not the fact that the budget was reduced by $13 billion? That is one thing certainly that is constructive. A second thing that is constructive is the fact that there are no boys now being killed in Korea. That is quite an accomplishment, does not the gentleman think?

Mr. COUDERT. But, of course, I am happy that the shooting has stopped. That has nothing to do with what I am talking about.

Mr. ALLEN of Illinois. Do not tell the hundreds of thousands of mothers involved that that is not constructive. Is not a third constructive thing the removal of regulations and the freeing of the economy? So when the gentleman says nothing constructive has been done, I say there are three most constructive things that have been done: Stopping of the killing of our boys in Korea; a $13 billion reduction from the Truman budget; and no controls, business expanding, and so forth.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. ALLEN of Illinois. I yield the gentleman 1 additional minute.

Mr. COUDERT. Let me say to the gentleman that that is not the subject I am discussing. So far as Korea is concerned I opposed it from the very beginning. I thought we never should have been in there and I think it was altogether unnecessary. I hope we have learned our lesson and that we will not be permitted to get into any more such tragic police-action fiascos as that.

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. COUDERT. Will the gentleman from Virginia give me 2 minutes?

Mr. SMITH of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from New York.

Mr. COUDERT. I want to make this perfectly clear: The fact is, whatever the justification, the fact is, that in its 6 months of power the administration has failed so to reduce current expenditures that an increase in the debt limit is now asked. The fact of the matter is they are here asking for it.

Senator BYRD makes this very simple point, and I defy anyone to disagree with it effectively: He states that the President could have, had he chosen to exercise his power, so limited expenditures during this period of 6 months as to make it unnecessary for us to confront this cruel and bitter dilemma. He says the President has the authority if he chooses to use it, to place every agency of the Government on an expenditure ration and limit expenditures in such manner as he deems best.

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

Mr. COUDERT. I yield.

Mr. HALLECK. Where would you have him start? On the pension checks going out or to support the farm program? Would you have him cut down on the hardware of war? Where would the gentleman have him cut? The gentleman said that the President could refuse to spend money that the Congress had appropriated. I will say to the gentleman when you begin to put that kind of a pressure on your President, when you put the responsibility on him of refraining from spending money that the Congress has appropriated, I think you are undertaking to impose a responsibility which you have no right to do.

Mr. COUDERT. I take it the gentleman is reconciled to permanent inflation.

Mr. HALLECK. Of course, I am not reconciled to permanent inflation. The fact of the matter is most of the inflationary pressures have been removed and inflation by and large has been checked. We are already starting on a reduction in the overall appropriations that will bring the budget in balance. To my mind that is the important thing.

Mr. COUDERT. The gentleman claims that inflation has been checked, but on tomorrow or the next day he will be standing in the well of the House asking the Members to vote for an increase in the debt limit when the deficit will run at least 7 billion dollars this year, when Senator BYRD says it is going to be 14 billion dollars in the year following, when the gentleman stands with the administration in opposing the enactment of simple legislation such as H. R. 2 which would compel exercise of the President's power to limit expenditures until a balanced budget results.

I hope the House will refuse to raise the debt limit. Now is the time to say "No" in no uncertain terms.

Mr. SMITH of Virginia. Mr. Speaker, I yield 8 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

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

Mr. McCORMACK. I yield to the gentleman from New Jersey.

Mr. SIEMINSKI. Was there any debt limit that we talked about in the Congress before 15 or 20 years ago?

Mr. McCORMACK. Mr. Speaker, I like to hear politics discussed. When I hear that subject discussed I find myself responding most pleasantly. When the gentleman from New York took the floor and during the concluding remarks of the speech entered into the field of politics, gently inspired by my good friend from Illinois [Mr. ALLEN], why, my interest became aroused.

Now that they have brought the subject of politics up this afternoon, I have in my hand a news item, dated April 10, out of Topeka, Kans., which says:

Landon charges Ike bungles major problems.

This is from Alfred M. Landon with the definite charge that President Eisenhower's administration had "bungled" almost every political problem of its first 90 days.

It is not a Democrat who made that statement. He was the Republican candidate for President in 1936.

To refresh your memory I refer to the many statements made by Members: "I like Ike" but they vote against him.

The gentleman from New York [Mr. REED], and how much I admired his courage, even when I disagree with him, has accused the present administration of having broken its campaign promises. Of course, the entire country knows that the campaign promises have been broken. They never should have been made. Anyone knew it was impossible to balance the budget with the world situation existing the way it does now. But the promises were made to balance the budget and to lower taxes, and at the same time to have a stronger national defense, absolutely inconsistent with one another and impossible of obtainment.

Now they inject the word "inflation." Only a few months ago the controls were taken off. Do you remember the buildup? Prices were going to go down. I do not know how much the poor cattle growers in Texas are getting now. I know they are not getting much. How much the farmers are getting, I do not know, but lower prices. It was only the other day the Department of Labor gave out a report on the index of the cost of living and it is the highest it has ever been in the history of our country, even higher than November of last year.

They talk about inflation and they talk about hard money. They "upped" the interest rate three-fourths of 1 percent when it was unnecessary, which is going to cost our Government alone when the long-term bonds are refinanced over $500 million a year in additional interest for the life of the bonds which are anywhere from 25 to 30 years. What about the increase in the cost of interest to every State, municipality, and county? What about the cost in the increase of interest to every individual, to the veteran, to the farmer, to the home owner? And that is going to run throughout the life of the mortgage. The damage has been done for the next 25 or 30 years, even if interest comes down later, because they are committed to a contract.

Yes; but what has happened to the hard dollar, so-called, or the sound dollar? It was hardly put into operation when the Federal Reserve System retracted and then put into circulation over $6 billion more currency, and immediately the policy of the sound or hard dollar was over and inflation started again. So inflation is on the way. They promised that there would be deflation and lower prices, but the cost of living today is the highest it has ever been in the history of our country.

Now, let us talk about another thing. This is only a few days ago, July 28, 1953. This is a newspaper heading stating "Dulles bars U. N. seat for China as price for unity in Korea."

The news item states the Secretary said:

The Secretary recalled that the British and French Foreign Ministers had agreed with him here recently that policies against admitting Red China into the U. N. and of maintaining the embargo against Communist China should not be changed after an armistice without further consultation.

On the very same day, July 28, 1953, in the morning papers out of London, this news item appears:

Selwyn Lloyd, Minister of State for Foreign Affairs, promised Parliament today that the British Government would soon press for discussions on the admission of the Communist Chinese to the United Nations.

Dulles says they promised and agreed on one thing; they say another thing; the highest representatives of both nations speaking directly opposite to one another.

I continue:

Mr. Lloyd, making the Government's truce statement in the House of Commons while the Acting Foreign Minister, the Marquess of Salisbury, was doing so in the House of Lords—

This is the same gentleman who sat in conference here with Secretary Dulles only a few weeks ago—

said Communist China's candidacy "is certainly a matter which must be considered and dealt with by the United Nations."

Quoting further, he said:

We shall certainly see that it is discussed even before open negotiations take place.

Secretary Dulles says one thing; the Acting Foreign Prime Minister of Great Britain and the Minister of State for Foreign Affairs on the same day says another. Those are things that should cause us to do some thinking. Does anyone have a doubt that after this truce there is going to be a determined effort made by some nations of this world to get Red China into the United Nations? Does anyone doubt that the people of America are overwhelmingly opposed to that? That is the thing we have to watch, because they are going to try and get Red China into the United Nations.

These are things that disturb us. They talk about politics. We Democrats have plenty of sound, legitimate politics to talk about, and the only thing you Republicans have been doing this year—and we Democrats have bailed you out—is following the Democratic policies of past administrations.

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to proceed out of order.

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

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, I want to revert to the remarks of the gentleman from New York [Mr. COUDERT], who just preceded me. I am not talking from a political angle. I do not want to enter into any political discussion about who did what and why we have to raise the debt limit or should not raise it. All I want to say is that we are all in the same boat in this situation. The Democrats and the Republicans back home know they are going to suffer unless we find a solution to the situation we are in now.

I think the gentleman from New York has done a fine public service in at least being one Member who has come here and offered something constructive, whether you agree with what he has done or not. I am inclined to agree with what he has done. I think somebody has to put a limit on these appropriations. It looks to me, after my long experience here, that Congress is not going to do it, and if the President does not do it, I do not think it is going to get done.

It seems to me the gentleman from New York has offered you a fine, constructive suggestion that his own party might give serious and thoughtful consideration to, and I am glad to see some discussion arise about it. I wish we could have more discussion about it, because we are just going along here and saying, "No, I don't want to increase the debt limit and I am not going to increase the debt limit." Well, what are you going to do? I do not expect to vote to increase the debt limit myself. I do not think we ought to increase it, because I think we have reached that crossroads, we have reached that point, we have reached that state where we ought to just simply say, "Now we are going to sit down and settle this thing. We are not going to raise this debt limit any more, and we are going back over these appropriations and we are going to have some rescissions instead of some more appropriations, and we are going to do the thing that is necessary to be done."

I am not blaming anybody when I say that, because I am talking in all seriousness. I do not want my friends over there on the Republican side to look mean at me, particularly CHARLIE HALLECK, because I am not making a partisan speech, I am just saying to you with all the seriousness that I can command that we have gone along complacently with this thing of voting more money than the taxes bring in, year after year, year after year, Democrats and Republicans and Independents and

what have you. What are you going to do about it? When are you going to stop it?

We have reached the point where the day before this Congress is designed to adjourn the President finds it necessary to call the leaders of his party and the leaders of the other party to the White House and say to them frankly, "Why, we have not got enough money to run us through until you get back here unless you raise the debt limit. Raise it again." And when you do take it off again, then we go ahead and spend and spend until you get up to the debt limit again.

Sometime, somewhere, the Congress or the administration has to reach the point where we say, "This is the end. We are going to perform a major operation on this budget and do the thing that is necessary to be done."

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

Mr. SMITH of Virginia. I yield to the gentleman from Indiana.

Mr. HALLECK. Of course, the gentleman knows through his association with me that this matter of expenditures exceeding receipts has always been a matter of great concern with me. We passed the Reorganization Act, I think it was in the 79th Congress, and there was a provision in that act that was hailed by many as being a great forward step in the direction of accomplishing the very thing the gentleman from New York is talking about and the gentleman from Virginia is talking about. It was provided in that Reorganization Act, and it is still in the law, that a joint committee of the House and the Senate should meet and consider and determine what the revenues of the Government would be for the coming fiscal year, and then say, "This shall be the total overall expenditure." Of course, the clear contemplation of that action was that we determine what revenues we are going to have and then we are going to fix an overall appropriation limit that will keep the appropriations in line with the revenues.

In the 80th Congress we struggled with that provision and in the first session shortly after February 5, our joint committee came up with the figures. We were ridiculed by many people, some on our side and many on the other side saying, "How do you know you can do that? It can be nothing more than a target, and in the final analysis is—how much money are you going to vote in the appropriation."

It so happened in the second session we met the February 15 requirement, and as I remember it on each occasion we kept the expenditures below the revenue.

Now, what happened after that time? This is not politics—but after we took that February 15 deadline in the 80th Congress, after that we postponed and postpone and postponed, and nothing happened. In the last Congress, and I may say in this one, there never was even a gesture in the direction of trying to comply with that clear mandate of the law. Why was that done? It was because we found it was not a practical ceiling; it was not a practical break; that in the final analysis the determination had to be made in the appropriations as they are voted on.

Mr. SMITH of Virginia. I thank the gentleman. I might say the gentleman is mistaken in just one part of his statement, that the Congress did not try to do anything about it because it was not practical. The gentleman will recall the Smith-Coudert amendment to the military appropriation bill last year. It was offered by me, and it passed the House and I think the gentleman from Indiana voted for it. It provided that the Military Establishment should not spend more than so many billions of dollars in the following year.

Mr. HALLECK. If the gentleman will permit me, I supported that amendment.

Mr. SMITH of Virginia. Yes, you did.

Mr. HALLECK. But what I am talking about is the provision in the reorganization act, enacted in the 79th Congress, that provided for this overall determination. I say that with respect to that requirement in the last Congress, no attention was paid to it.

Mr. SMITH of Virginia. That is right, but if the plan offered by the gentleman from New York is not a good plan, let us have a good one. There are surely enough statesmen in this Congress to answer this problem about what we are going to do about continually raising the debt, continually unbalancing the budget. There is but one answer and you have got to raise taxes or lower expenditures. Now, we are asked to raise the debt limit. Am I to assume that when the Ways and Means Committee brings in a provision to raise the debt limit that we are also going to do the thing that we ought to do, and bring in a bill to raise the necessary additional taxes? Along that line, I might suggest that it has been talked about that we are going to have a sales tax added on. That was tried once, but it was not a very popular movement, it was defeated. I know that we all want to stop raising the debt limit. The only way to stop raising the debt limit is to stop. For my part, I am in favor of stopping right here and now. Let us have a solution of our problem before we leave. There must be a solution and it is up to this Congress to find it.

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

Mr. SMITH of Virginia. I yield to the gentleman from New York.

Mr. COUDERT. Mr. Speaker, may I point out to the gentleman from Indiana [Mr. HALLECK] that, as I recall it, there is no relationship whatsoever between the abortive legislative budget bill of the 79th Congress and this bill, H. R. 2, because H. R. 2 has teeth and imposes an obligation upon the President not to spend. We had nothing like that in the old legislative budget act, so we could afford to disregard it. Put this on the books and it will be effective.

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

Mr. SMITH of Virginia. I yield to the gentleman from Indiana.

Mr. HALLECK. I just want to say this. The administration this morning, after long and careful consideration, after a determination as best as could be made of what the expected revenues are going to be in the upcoming fiscal year, and a determination as to what the spending requirements are—and may I commend the gentleman for being fair enough to recognize that the spending requirements that are involved in the upcoming fiscal year are, in many of those cases, requirements that were created 2, 3, and 4 years ago; in other words, the commitments were made and they are there. They are the c. o. d. tickets coming due. So that before anyone makes up his mind about what he is going to do in the matter of raising the national debt limit, he had better wait until all the facts are in, because I do not believe any person here would want the Government of the United States to default on its obligations, fail to meet its bills when they become due, or to go up against many of the other very serious things that might flow from a failure to recognize and deal realistically with a fact which confronts us and not a theory.

Mr. SMITH of Virginia. Mr. Speaker, I agree with the gentleman on that, but I want to repeat that there must be a solution to this problem. And there is a solution to it.

One solution is to rescind some of the appropriations you have already made. It will take courage to do it, it will take courage on the part of all of us to do it. But rescind some of these appropriations, rescind some of these authorizations that you made. It is certainly better for us to make the sacrifice of rescinding some of our appropriations—and I do not care which they are; you can rescind almost any of them, and rescind perhaps some of these authorizations that we have made, and find out how we are going to balance this budget, because you will never balance it by continuing to raise the debt limit.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, it is too early for anyone to engage in an argument about what we are going to do about the debt limit, because the facts will shortly be made available to everyone as they were made available to us this morning.

The gentleman from Virginia [Mr. SMITH] speaks of rescissions. Many rescissions have been made. There have been many places found to cut back. I say this, and say it advisedly, and I say it in the light of arguments that came from that side of the aisle, when the matter of the defense appropriations was up. It was being contended constantly that we were cutting to deeply, that we were jeopardizing the national defense of the country. If that argument is to stand up, who is there among us who will say that you ought to rescind contracts to buy the airplanes and the other weapons of war that everyone who is in a position of responsibility advises us are necessary in the light of the tensions and the threats that exist in the world?

So I say again, before one makes up his mind about this very serious problem—and it is a serious problem—he had better wait until the facts are in and then

make his judgment and his decision on the basis of those facts.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman from Illinois [Mr. ALLEN] yield some time to me so that I may yield the gentlewoman from Idaho a minute?

Mr. ALLEN of Illinois. I yield 1 minute to the gentleman.

Mr. SMITH of Virginia. I yield such time as she may desire to the gentlewoman from Idaho [Mrs. PFOST].

Mrs. PFOST. Mr. Speaker, it appears certain that this Congress will adjourn without passing any legislation to give relief to the Nation's lead-zinc industry, now in one of the gravest crises in its history. By its overwhelming defeat of the sliding-scale import tax last week, the House turned a deaf and unsympathetic ear on the urgent and rapidly expanding problem of mine shutdown and unemployment in the industry. Already this problem has reached the proportions of an economic tragedy which threatens the entire small and marginal mining operations in the lead-zinc field.

Because I feel our domestic mining industry deserves better treatment—a better deal—I am today introducing a bill which provides another approach to aid for our ailing lead-zinc industry, and would, at the same time, open up an umbrella under which other metals could come, should they get into similar trouble.

It is a companion bill to one already introduced in the Senate by that great friend of mining, the Honorable JAMES E. MURRAY, of Montana, and calls for the establishment of an incentive payment plan as a means of encouraging exploration, production and conservation of domestic critical and strategic ores, minerals, and metals.

I feel it would do the job that must be done for lead and zinc, and do it for much less cost than would have the sliding-scale bill. In addition, it would put the help in the hands of those who need it most—the marginal mines producing 20 percent of the Nation's lead and zinc.

The proposed average payments would be approximately 3½ cents per pound for lead and 4 cents per pound for zinc. At present market prices, the estimated cost of stabilizing lead and zinc under the bill during the 12 months' period July 1953 through July 1954 would be a little over $15 million, or about one-fourth of the estimated cost of the sliding-scale import tax on these metals.

The plan would set up a Mine Incentive Payments Division in the Defense Materials Procurement Agency and stabilize the system for 5 years. Participation would be entirely voluntary, and payments would be based on costs of production plus adequate allowances for depreciation, amortization, depletion, and a reasonable profit. No engineering examination of the mine would be required, but necessary variations in payment would be determined from the actual reports of the mine operator.

Should production costs increase, payment limits would rise in accordance with Bureau of Labor statistics.

This is not a price-support bill in any sense of the word. It is designed merely to provide operators with enough income to keep them in business and keep strategic metals in production so they will be available for national defense. The minerals produced will be transferred to national stockpiles at current market prices and thus be kept from depressing the market.

In my estimation, it is foolhardy in the extreme not to have machinery in operation that will keep our domestic mining industry healthy and sound, ready for any national or international emergency in which we may find ourselves.

Mr. ALLEN of Illinois. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

EMERGENCY FAMINE RELIEF AUTHORITY

Mr. HOPE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2249) to enable the President, during the period ending March 15, 1954, to furnish to peoples friendly to the United States emergency assistance in meeting famine, or other urgent relief requirements, and agree to the conference requested by the Senate.

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

Mr. JONES of Missouri. Mr. Speaker, reserving the right to object, what is the gentleman's request?

The SPEAKER. To agree to a conference on a bill.

Is there objection to the request of the gentleman from Kansas? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. HOPE, AUGUST H. ANDRESEN, HILL, COOLEY, and POAGE.

COMMITTEE ON GOVERNMENT OPERATIONS

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight tonight to file its fifth intermediate report.

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

There was no objection.

OMNIBUS JUDGESHIP BILL

Mr. JONAS of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 15) to provide for the appointment of additional circuit and district judges, 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 S. 15, with Mr. SMITH of Wisconsin 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 rule, the gentleman from Illinois [Mr. JONAS] is recognized for 30 minutes, and the gentleman from Massachusetts [Mr. LANE] for 30 minutes.

Mr. JONAS of Illinois. Mr. Chairman, I yield myself 10 minutes.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. JONAS of Illinois. Mr. Chairman, I do not know that I can add anything to enlighten the Members of the House as to the nature and character of this bill. The report is available and sets out fully what this bill attempts to achieve; namely, that of creating a number of circuit and district judgeships and in making a number of temporary judgeships permanent.

I might point out at the outset that there is a distinction between the bill which originated in the other body and the bill we are presenting to you here in the nature of amendments to the Senate bill, which amendments we hope will prevail. There is a difference in the number of judges and positions that are created. They are as follows:

The bill which originated in the other body provided for 39 appointments. The bill now before the House for consideration provides for 26. These appointments I speak of have to do with district judges and circuit judges, as well as a number of temporary appointments.

The difference between the two bills is this: We have eliminated, so far as we could differentiate from the bill that originated in the other body, the following judges: The one the Senate provided for in Arizona is eliminated, 1 in Michigan, 1 in Nevada. In northern Ohio where there was a request for 2, 1 was eliminated. In Pennsylvania where there was a request for 2 in eastern Pennsylvania, 1 was eliminated. In western Pennsylvania 1 was eliminated where the request was for 2. A request for a judge for the State of Utah was eliminated, 1 in Washington, 1 in Alaska, Puerto Rico, and in Florida where there was a request made for 2 this bill confines the appointment to 1. The language of this bill spells all this out specifically.

There is also a difference in the nature of their terms. The bill, S. 15, provides that there shall be 3 temporary judgeships created in the State of New York. The bill before the House at the present time does away with the 3 temporary judgeships and provides for 2 permanents.

Mr. HOLMES. Mr. Chairman, will the gentleman yield?

Mr. JONAS of Illinois. I yield to the gentleman from Washington.

Mr. HOLMES. Will the gentleman explain why a judgeship in the State of Washington was eliminated? I understood it was in the Senate bill and was taken out on the House side.

Mr. JONAS of Illinois. I can only say to the gentleman from Washington that the committee endeavored to arrive at a solution as to whether all these judges were necessary in the first place; and following that we had to eliminate some of the judges that the Senate bill provided for, according to population and according to the number of judgeships that exists in a particular

area. There was also the caseload and other factors that enter into a determination of a question of this kind. We may not have been entirely accurate, but it was the feeling of the committee that a curtailment of the number of judges that the other body had provided had to be made.

We did not single out the gentleman's State at all. In a balancing of all the factors, and in making the necessary deductions therefrom, we arrived at an equitable, sound solution which we thought would meet with the approval of the House. It so happens that Washington did not get an additional judge under those considerations.

Mr. HOLMES. There has been a tremendous increase in population in the State of Washington and up and down the Pacific Coast. It seems to me we presented a very valid case for an additional judge in that State.

Mr. JONAS of Illinois. May I say that there is merit to what the gentleman says, but let me give him one instance. The State of Washington already has three Federal judges. I realize there is a gradual increase in population in your State, there is no question about that, but the State of Indiana, which has over 4 million people, nearly 5 million people, as a matter of fact, and as long as we have had a record of judgeships in the last 3 or 4 decades, has had but 2 judges. In order to give that State recognition on the basis of its population, and other States that are in the same situation, and I will be glad to give the gentleman the facts to support the contention that we had to make this distinction. That is one reason that was done.

Mr. SHEPPARD. Mr. Chairman, will the gentleman yield?

Mr. JONAS of Illinois. I yield to the gentleman from California.

Mr. SHEPPARD. We have just listened to a discussion here that was not perhaps apropos of the present legislation about the conservation of funds. What is it contemplated, if this bill is enacted, it will cost the Federal Treasury?

Mr. JONAS of Illinois. I will answer the gentleman's question as accurately as I can. Part of it is based on conjecture and part on fact. It has been repeatedly argued that a judgeship entails a cost of $50,000. Of course, $50,000 multiplied by the number of judges answers itself mathematically. But, may I say to the gentleman that is not the whole story. We continually omit to inform the House or the public that when a judge takes office he also has instrumentalities at his disposal that create additional funds. Every litigant is penalized for going into court and litigating his dispute. We do not have any complete record of the amount of money that is collected in the Clerk's office for court costs and all matters incidental thereto, but it runs into the millions. So, it is not a complete loss from a dollar and cent standpoint when we appoint a Federal judge.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. JONAS of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. How many judges are being created? I notice there are 19 permanent judges. What else?

Mr. JONAS of Illinois. There are 19 permanent judges to be created, 3 United States Circuit Court judges, and 4 temporary judges under this bill which makes a total of 26. The number of judges created under the Senate bill was 39. Does that answer the gentleman's question?

Mr. GROSS. I thank the gentleman.

Mr. JONAS of Illinois. I would also like to point out that there are various provisions in this bill which have to do with making temporary judgeships permanent and, as has already been stated here in the discussion by the distinguished gentleman from Virginia, there are some provisions with reference to establishing the abode or the place where the judge who is appointed shall reside.

Now, just one other comment about the overall picture that we have before us. I am not going to try to enter into a detailed or dramatic discussion dealing with the necessity of creating additional judicial positions. There are in this House probably by a great preponderance, as compared to all occupations, a great many lawyers, and they know and ought to know and I am sure do know the necessity for creating judgeships whenever there is a backlog of cases, and that justice is denied to the people in any given community when the courts cannot function efficiently. I cannot tell you all that the investigations have disclosed; I cannot detail specifically all of the conditions existing in some of the areas in the various States. I think the distinguished gentleman from Pennsylvania [Mr. WALTER], a member of the Committee on the Judiciary, will point out more ably than I can point out the difficulty they have in the State of Pennsylvania. We had this information before our committee. In one district they had to cease trying civil cases entirely. They were compelled to give attention to criminal cases of record only because of the crowded calendar. The civil calendar is completely abandoned for the time being.

I hope this bill will not meet with any objection and I hope the House will accept the bill in the spirit in which it has been presented. We have endeavored to try to fulfill the needs of the various areas that we believe were justly and rightfully entitled to an additional judge. We are not in accord in some respects, as to the number of circuit judges. We eliminated one in the State of California and added one in the State of Texas. That is the only difference so far as circuit judges are concerned.

Mr. Chairman, I hope in the final analysis this bill may meet with the approval of the Members of the House, and that it will pass.

Mr. LANE. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, I may first state to the House here that I think we owe a debt of gratitude to the chairman of this subcommittee, the gentleman from Illinois [Mr. JONAS], and also the members that served on this subcommittee, the gentleman from North Dakota [Mr. BURDICK], the gentleman from New York [Mr. MILLER], the gentleman from Georgia [Mr. FORRESTER], and the gentleman from New Jersey [Mr. RODINO], for the time that they have spent in listening to the testimony on this particular bill now before the committee for consideration. This matter came over to the House following exhaustive hearings held in the other body, and this subcommittee not only had the benefit of those hearings but also a number of bills, amounting to about 18, along this particular line. Considerable written material was also offered the committee. The committee listened to witnesses for a number of days, and I dare say, Mr. Chairman, that more time was given to this particular bill than any other bill that came before the subcommittee in this session.

This matter is nothing new to the Members of the House. Last year and the year before this committee came before the House and at that time we explained to you the necessity for these additional judges. Your Committee on the Judiciary at the last session reported out a bill of like nature, but unfortunately it was not passed in this body because of the fact that some Members of the House were fearful that a certain gentleman would make those appointments. For that reason and none other that I know of they were in opposition to this bill. If the need was there last year it certainly is here at this time. We of the minority side, being for the bill last session, of course must support this bill and of course are quite willing to support it because of the fact that we have had these case loads before us and we know of the need for these judges.

As the chairman of the subcommittee has well stated, Mr. Chairman, this committee has reduced the number of judges from the number carried in the Senate bill. We have stricken out all after the enacting clause and put in our own bill, and have reduced the number of judges to 26 from 39. The Senate bill carried provision for 39 judges. We have tried to prune down as much as we possibly could, knowing that perhaps the greater number of those 39 are needed, but at this time your committee felt that if we recommended 26 we were doing exceptionally well.

One of the chief criticisms leveled at the American judicial system is that it is cluttered by a backlog of cases.

We do not have the personnel to handle the workload that keeps step with an expanding population and the increasing complexity of life in the 1950's.

Under these circumstances, there is always the temptation to race through cases, at the expense of justice, in a vain attempt to catch up with volume.

S. 15, by increasing the number of circuit and district judges, will relieve the pressure upon our courts.

This problem has been thoroughly studied on a nationwide basis, and the committee has given due consideration to the varying needs of all circuits and districts.

In supporting this bill, Mr. Chairman, I must confine myself to the district of Massachusetts, as an example, be-

cause I, as an attorney, have a working knowledge of the conditions in the Commonwealth of Massachusetts, and what I say, Mr. Chairman, of course, goes for all these other States for which we have provided judges in the bill in order to relieve the situation. At the outset, may I state that the judicial council of the first circuit recommended an additional district judgeship for Massachusetts. So does the Massachusetts Bar Association. The need for the fifth judge at the present time is based upon the volume of business, as supported by the statistics we have before us in the committee report.

The criminal court, of course, receives priority. The caseload has shown little change over the past decade. But in the civil field, by contrast, there has been a sharp increase in the workload placed upon the judges. The civil filings in 1952 are almost 30 percent higher than in the preceding year. The civil cases commenced in 1952 were almost double the number that were initiated in 1941, and the number of pending civil cases at the end of the fiscal year 1941 was 855, and by June 1952 had jumped, even though many cases were tried and disposed of, from 855 to 1,563 civil cases, even with an additional fifth judge in Massachusetts; the caseload per judge for the current year would be 327 as compared with the national average of 236.

The judicial council recommended an additional judgeship for Massachusetts by a vote of its members, and by a unanimous vote.

Mr. Chairman, the law's delay is always irritating to litigants and witnesses, but it becomes more so when people have to wait around for hours because the courts are understaffed. This could result in the breakdown of public confidence in our judicial system, which would have serious and far-reaching consequences.

As a member of this Committee on the Judiciary, on the minority side, I, like the others, have listened attentively to the testimony, and I am convinced that this legislation is necessary.

Mr. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. LANE. I yield.

Mr. JOHNSON. I notice in the bill there are nine circuit court judges in the ninth circuit. I understand that is an increase of two judges.

Mr. LANE. There is an additional circuit court judgeship for the fifth district and two in the ninth district.

Mr. JOHNSON. We were hoping we could get 1 more judge and have 3 more because that circuit has grown more rapidly than any other circuit. It has a greater diversity of population, climate, industry and everything else. As the gentleman mentioned, the ones who suffer from these conditions are not the judges but the poor litigants who have to wait an unlimited time to get their cases to trial. Of course, I realize the quandary you are in, but I certainly hope that we can increase the allotment for the ninth circuit by one judge. I just want to point out that Judge Denman, the presiding judge of that court, has come here for 20 consecutive years asking for an increase in judges, and he asked that three additional judges be provided for that circuit. I hope that we can bring that about in some way and thereby give the litigants having cases now or hereafter a reasonable time to get their cases decided.

Mr. LANE. May I say to the gentleman from California that I dare say the subcommittee and the Committee on the Judiciary might agree with him, but like others that have been stricken from this bill, judges we realize were needed, your committee felt we must cut some place along the line here and keep the number down to the minimum.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. LANE. I yield.

Mr. WALTER. Of course, you must bear in mind that a circuit is comprised of three judges. With nine judges, the court is able to sit in three different panels in three places over that vast territory. I do not know what useful purpose could be served by having one spare judge.

Mr. HILLINGS. Mr. Chairman, will the gentleman yield?

Mr. LANE. I yield.

Mr. HILLINGS. May I say to my colleague, the gentleman from California [Mr. JOHNSON] I agreed with the remarks he has just made. I have discussed this subject with Chief Judge Denman, of the ninth circuit, and some other members of the bench and bar of that circuit, and at the appropriate time I intend to offer an amendment which would increase the number of judges in the ninth circuit from 7, which is the present number, to 10. Incidentally, the bill which passed in the other body provided for 10 judges of the ninth circuit, an increase of 3 rather than 2, which the House bill provides.

Mr. LANE. Just in conclusion, economy has its place, but it becomes dangerous rather than praiseworthy if it succeeds in denying to our courts the very moderate increase in judgeships that is vital to the function of justice.

The dockets are badly congested not only in Massachusetts but in other districts. The only answer to this problem is more judges to handle the workload.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. JONAS of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, I wish to thank the chairman of the subcommittee, the gentleman from Illinois [Mr. JONAS] for granting me this time.

I will attempt, in 5 minutes, to lay before you the facts which, on the merits, show the need for an additional district judge in the eastern district of Michigan. I would not be here advocating this amendment if I were not convinced beyond any doubt that this additional judgeship is necessary for the transaction of the Federal legal business in the eastern district of Michigan.

First, I should point out that the Bar Association of the State of Michigan recommended not 1 but 2 additional judgeships for the eastern district of Michigan, 1 of them to expire at the first vacancy, on the ground that 1 of the 5 district judges in the eastern district of Michigan is ill and unable to carry his full workload.

This additional judgeship was also approved by the Judicial Conference which recommended a judge for the eastern district of Michigan as well as one for the western district of Michigan.

The Senate bill carries a judge for the eastern district of Michigan as well as the western district. The subcommittee eliminated the judge for the eastern district of Michigan, and it is that judgeship which I seek to restore.

I have a letter from the chief judge of the eastern district of Michigan, Hon. Arthur F. Lederle, dated July 22. It succinctly states the basis for this additional judgeship.

It reads as follows:

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN,
Detroit, July 22, 1953.

Hon. GEORGE MEADER,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN: At the request of Senator FERGUSON, I am enclosing the following:

1. Report of the State bar committee;

2. Copy of my letter dated December 10, 1952, to Judge Simons with reference to this report;

3. Copy of a report that I made with reference to the caseload per judgeship if the recommendation of the judicial conference is adopted by Congress.

The table that I prepared is based on the 1952 report of the administrative office. As you will realize, this statistical information is helpful, but there are many other factors that should be taken into consideration. We know that the commercial and industrial activity in eastern Michigan has increased since the last judgeship was created in 1939. The population of the district has increased almost a million and a half. The type of litigation in metropolitan districts is quite different from that in rural districts. We have more patent cases than most districts. We also have, normally, a large number of corporate reorganizations; income tax cases; admiralty; antitrust, both private and Government, which are comparatively unknown in many rural districts. Unfortunately, it is also true that criminal cases, such as tax evasion, Smith Act, mail fraud, and cases of this type which require much time and effort, are almost entirely limited to the metropolitan districts.

This table was prepared upon the theory that Judge Koscinski's health would permit him to handle these more difficult cases. Presently, his doctor has ordered him to spend only a limited number of hours at work. It is my opinion that he is now trying to do more work than he should. I am certain that the committee's recommendation for the creation of a so-called temporary judgeship was amply justified.

I do not wish to be considered a lobbyist for any particular legislation. I do believe, however, that it is my duty to give you such factual information as I deem pertinent. I know I do not have to call your attention to the fact that there is a limit to the capacity of a judge to do good work. A conscientious judge cannot enter just judgments on a production-line basis.

Trusting that you will understand the spirit in which I have written this letter, and assuring you that if there is any additional information I can secure for you, I will be happy to do so, I remain

Respectfully yours,
ARTHUR F. LEDERLE,
Chief Judge.

Accompanying the letter from Judge Lederle was a letter which he addressed to Hon. Charles C. Simons, chief judge

of the United States Court of Appeals for the Sixth Circuit, which also contains information pertinent to the necessity for this additional judge for the eastern district of Michigan. This letter reads as follows:

UNITED STATES DISTRICT COURT,
FOR THE EASTERN DISTRICT OF MICHIGAN,
Detroit, December 10, 1952.

Hon. CHARLES C. SIMONS,
Chief Judge, United States Court of Appeals for the Sixth Circuit, Detroit, Mich.

DEAR JUDGE SIMONS: I have your letter of November 24 with reference to the Report of the Special Committee of the State Bar of Michigan on the United States District Courts. This report was approved at a meeting of commissioners held December 5, 1952.

All of the judges of this district agree with that portion of the report of the committee which recommends the creation of two additional judgeships for this district.

We have the highest respect for the Michigan integrated bar and its officers. Mr. Lester P. Dodd, immediate past president, is a leading lawyer actively engaged in practice. He has taken an active interest in the work of the State bar for many years, and is thoroughly familiar with both the State and Federal judicial system. All of the men that he appointed on this special committee are distinguished members of the bar actively engaged in practice. They have all been honored within the past 6 years by being selected as State presidents. Serving in such capacity, they have all become familiar with the problems throughout the State. For many months, they studied reports of the administrative office and other special reports prepared at their request. We have every reason to believe that they approached the problem objectively. We are certain that the report represents their best judgment as to changes that are necessary to best serve the interest of the public.

Notwithstanding our respect for the work of the committee, we are of the opinion that the changes in the boundaries of the two districts will not afford any substantial relief to our crowded docket. We believe that the division of the State into districts and divisions cannot be justified. If the artificial district and division lines are eliminated, it will be possible to order any action tried at any place within the State in the interest of justice and for the convenience of the parties and witnesses (U. S. C. 1404 (c)).

Of course, the immediate problem is to secure a sufficient number of judges so that litigants will not suffer an injustice because of delay. Therefore, we do not wish at this time to overemphasize our proposal that Michigan be made one district.

Trusting that this is the information you desire, I remain

Respectfully yours,
ARTHUR F. LEDERLE,
Chief Judge.

The tables prepared by Judge Lederle and referred to in item 3 of his letter show the caseload per judgeship in districts where additional judgeships have been recommended by the Judicial Conference.

According to this tabluation the eastern district of Michigan would be in the busier half of the districts involved. For example, in the table showing the total civil and criminal cases, only 7 out of 20 districts concerned would have heavier caseloads per judge than the eastern district of Michigan.

Under leave obtained in the House I am inserting the tables prepared by Judge Lederle.

Caseload per judgeship in the districts where the judicial conference has recommended additional judgeships if the filings are the same as they were in 1952 arranged in order of the caseload per judgeship

PRIVATE CIVIL

Delaware	15
North Dakota	25
Tennessee—Middle district	34
Michigan—Western district	44
Wisconsin—Eastern district	56
New Jersey	64
Colorado	75
Pennsylvania—Western district	78
New Mexico	80
Kentucky—Western district	81
Indiana—Southern district	93
Michigan—Eastern district	93
Indiana—Northern district	96
Ohio—Northern district	122
Florida—Southern district	127
Massachusetts	147
Pennsylvania—Eastern district	149
Texas—Eastern district	179
Virginia—Eastern and western district	182
New York—Southern district	193

ALL CIVIL

Delaware	28
New Mexico	115
Tennessee—Middle district	118
Wisconsin—Eastern district	133
North Dakota	140
Pennsylvania—Western district	162
Michigan—Western district	164
Indiana—Northern district	168
New Jersey	171
Kentucky—Western district	176
Colorado	181
Pennsylvania—Eastern district	195
Ohio—Northern district	210
Michigan—Eastern district	228
Florida—Southern district	254
New York—Southern district	260
Texas—Southern district	260
Indiana—Southern district	282
Massachusetts	327
Virginia—Eastern and western districts	351

CRIMINAL

Delaware	19
Michigan—Western district	33
North Dakota	41
Pennsylvania—Western district	44
New York—Southern district	46
Massachusetts	50
New Jersey	54
Wisconsin—Eastern district	56
Pennsylvania—Eastern district	59
Ohio—Northern district	68
Indiana—Northern district	92
Indiana—Southern district	98
Michigan—Eastern district	99
Texas—Eastern district	110
Florida—Southern district	126
Kentucky—Western district	131
Tennessee—Middle district	141
Colorado	227
Virginia—Eastern and western districts	234
New Mexico	265

TOTAL CIVIL AND CRIMINAL

Delaware	47
North Dakota	181
Wisconsin—Eastern district	189
Michigan—Western district	197
Pennsylvania—Western district	206
New Jersey	225
Pennsylvania—Eastern district	254
Tennessee—Middle district	259
Indiana—Northern district	260
Ohio—Northern district	278
New York—Southern district	306
Kentucky—Western district	308
Michigan—Eastern district	328
Texas—Eastern district	370
Massachusetts	377
New Mexico	379
Florida—Southern district	380
Indiana—Southern district	380
Colorado	407
Virginia—Eastern and western districts	585

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Michigan.

Mr. DINGELL. In the gentleman's remarks may I ask him to permit me to insert a letter similar in character from Judge Picard, one of our hardworking judges.

Mr. MEADER. I shall be glad to.

Mr. MACHROWICZ. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Michigan.

Mr. MACHROWICZ. I want to join with the gentleman in his statement. I think it is a situation which requires an additional judge. I have been practicing in that court. As a matter of fact, one of the judges is sick. The reason he is sick is that he overworked himself and had a tremendous breakdown. I support the gentleman's position.

Mr. MEADER. I thank the gentleman.

I emphasize that the volume of work depends not alone on population but on the nature of the litigation. It is not just the number of cases but the type of cases. The port of Detroit and the port of Port Huron generate the kind of cases which occur on the seaboard and on foreign borders, which involve admiralty cases, immigration cases, customs cases, and so on. In addition to that, the eastern district embraces the great automotive industry and many problems have arisen in connection with Federal labor legislation and Federal regulatory activities.

The economic activities in the area surrounding metropolitan Detroit generate many other types of technical litigation which are not so numerous in other districts. Thus it is not only a matter of the caseload but also the difficulty of the litigation involved. There is a terrific burden upon these five judges in the eastern district of Michigan.

Mr. JONAS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield.

Mr. JONAS of Illinois. It is true that the eastern district now has five sitting Federal judges, is it not?

Mr. MEADER. That is correct.

Mr. JONAS of Illinois. And if the western district were to be granted the additional judge that this bill provides as being necessary, there would be nothing to prevent the new judge for the western district being assigned in emergency matters to the eastern district to help take care of the backlog of cases, would there? That would be possible.

Mr. MEADER. The gentleman is probably more familiar with those administrative possibilities than I am.

Four counties in the eastern district were transferred to the western district by the Senate bill. Two more are so transferred by the House bill. One of those two counties, Jackson, is in my own district. I intend to ask that that county remain in the eastern district.

Notwithstanding the transfer of some counties from the eastern to the western district the nature of the economic pattern there is such that there is a tendency for this business to gravitate into the city of Detroit.

While it may be true that the assignment of an additional judge from the western district of Michigan or from some other Federal district might relieve the load temporarily, this congestion of Federal court litigation is a situation which has grown up for 15 years, and should be corrected on a permanent basis. I am not asking that a temporary judge be added but that an additional judgeship be made permanent for the eastern district, that it be restored as it was in the Senate bill and as recommended by the judicial conference.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield.

Mr. CEDERBERG. I want to go on record as being in favor of an additional judge for the eastern district of Michigan. I agree with the gentleman in his statement. We agree also there is need for an additional judge in western Michigan. It may not be known, but in the northern division of the eastern district the caseload at the present time is greater than the entire caseload of the entire western district of Michigan. So, if there is need for an additional judge in western Michigan, we most certainly need one in eastern Michigan.

Mr. MEADER. I thank the gentleman. I have here a copy of a letter from Judge Picard who is in charge of the northern division of the eastern district which confirms what the gentleman says.

JULY 27, 1953.

Mr. HENRY P. CHANDLER,
Director, Administrative Office of the United States Courts,
Supreme Court Building,
Washington, D. C.

MY DEAR CHANDLER: I have just read your report dated July 24 to the Chief Justice of the United States, chairman, and the members of the Judicial Conference of the United States and I note therein that this omnibus bill provides an additional judge for the western district of Michigan while provision for the additional (or two) judgeships for the eastern district has been eliminated.

Right from the start I stated that the great need for new judges was in the eastern district of Michigan and if you will look at the records you will see that while carrying a fair share of the load in Detroit I take care of the northern division where there is practically as much business as there is in the entire western district. There would be more business at Bay City but we only have one assistant district attorney there, a girl stenographer working half time, no court officer, and a borrowed clerk. In other words, if one of our two clerks in the Bay City office was sick or on vacation there would be no clerk for the court or we would have to shut the clerk's office.

I am not bemoaning the fact that the western district may get another judge but the western district needs another judge about as much as I need six toes compared to needs of the eastern district.

Somebody must have his signals mixed although I prophesied that this might happen and my prophecy may prove true.

I'm not lamenting on my own behalf. I'm arguing for my four colleagues here who are working day and night to try and keep up with the ever-increasing load. This will break the camel's back and remember I'm not arguing that the western district couldn't use another judge compared to some of the districts in this country. I think Judge Starr is doing a good job and is very efficient, enthusiastic, and conscientious but this is a matter of comparison and it certainly takes the heart out of us who have been working here so diligently and have put this district on the splendid basis it is.

I thought you might want this reaction from one who is not afraid to give his reaction.

Yours very truly,

FRANK A. PICARD,
District Judge.

(Copies to Hon. Charles C. Simons, chief circuit judge; Hon. Arthur F. Lederle, chief district judge; Hon. Arthur A. Koseinski, district judge; Hon. Theodore Levin, district judge Hon. Thomas P. Thornton, district judge; Hon. John Dingell, Congressman from Michigan.)

Mr. LANE. Mr. Chairman, I yield 6 minutes to the gentleman from Georgia [Mr. FORRESTER].

Mr. FORRESTER. Mr. Chairman, I happen to be one of the members of the subcommittee that handled this judgeship bill. I think the bill that is brought out by this committee reflects absolutely the nonpartisan attitude of every member of that subcommittee. I believe I am expressing the feeling of that subcommittee. If not, I am certainly expressing my own personal opinion. We went into this matter for the purpose of seeing how few judges we had to provide instead of how many judges we could find an excuse for providing, taking into consideration the fact that it is high time to see if we could not save a little money.

We went into this matter trying to accomplish that which was absolutely necessary in order to do no violence to the judicial system of this country. Every member of that subcommittee was a lawyer and everyone was interested in that particular feature. We were confronted with the fact and the problem that the Senate version provided 39 judges. I thought that number too many. We came out with a bill which provided 26.

I certainly do not say to you that some other States did not make out a fairly good case so that if money was free and we just wanted to we might have given them an additional judge. It is my opinion that these 26 were 26 that we had to establish now. By not giving you a judge at this time does not mean we have forclosed you; it simply means we wanted to try to hold out a little longer and see if conditions would not level off; considering the fact that a judge costs the taxpayers about $50,000 a year.

I want to tell you something that I learned in this investigation. I do not think it behooves any of you to oppose the 26 judges we have provided. I will tell you why. If you want to do anything about this alarming demand for more judges you have got to approach it from another standpoint. Believe me, there is work for the Congress to do in that regard. I found out in this investigation that the Federal courts are absolutely cluttered up with cases that should never be there and that would not dignify the ordinary police court. I think I know that you Members of Congress are going to disagree with me. If you do, you have to give judges and more judges, and spend more and more of the taxpayers' money.

I am going to say this for what it is worth. You will find that in practically every instance where you have had to increase judges it was due to immigration cases, you will find it has been due to a lot of enemies of America who are cluttering up our courts. In New York, for instance, for 9 months Judge Medina was out of circulation trying a bunch of Communists. Look around now and you will see where the trouble is and where they are wanting judges. You will see that it is in sections absolutely filled up with immigrants, and with people who are in this country illegally. There are a lot of people in Congress who know that. There are a lot of you who are condoning it and as long as you condone it you have got to pay the freight.

In one instance the evidence developed in our committee that there has been an antitrust suit going on for a year and a half. Is that not ridiculous? You have now 20 antitrust suits in the State of New Jersey. It is a wonder to me that you have not got more. If you want to address yourself to this problem, think about doing away with that obnoxious law that a man can recover treble damages in antitrust cases. It is against every principle of law in the lawbooks. If a man shot you down like a dog and your wife sued for damages, she could not recover anything except the true damages. Yet you are throwing wide open an invitation for people to get evidence that the Government collects absolutely free, use that evidence and go into court, sue for and sometimes recover treble damages. Do you wonder why your courts are cluttered up?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. JONAS of Illinois. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. FORRESTER. Mr. Chairman, you could help this situation if you would do something about the law and change the treble-damage rule to the true-damage rule. Change the rule that you can sue in the Federal court for $3,000 on diversity of citizenship. Why not consider making that about $10,000? It would surprise you how many cases you would take out of your Federal courts.

Mr. Chairman, I am going to say one thing more, then I shall be through. A lot of people have been misguided. You have heard that you get more justice out of the Federal court than in the State courts. I do not think that has been true, but if there was ever any truth in that statement it was the time when you just had a few offenses in your Federal courts. But now you have bypassed your State courts, you have turned our Federal courts into police courts trying cases under the guise of civil-rights statutes that at best are simple assaults;

yes, you have set up a centralized government, and I hope you know now that you do not get any more fairness out of a Federal court than you do in the courts of your own realm, down in your own counties, amongst your own people. Your State courts are worth saving. You will realize this some day but maybe too late.

There is the situation. Sufficient unto the day is the evil thereof.

Mr. SHAFER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. SHAFER. Mr. Chairman, I rise in support of the portions of this bill relating to the Federal judiciary in the State of Michigan.

Although the Judiciary Committee report modifies certain provisions of H. R. 2578, the bill which I introduced on February 3, I am not disposed to take exception to these changes. The revisions leave intact the most essential portions of the bill which I introduced in the House and which was recommended by the Michigan Bar Association. As revised, the bill will provide the relief most urgently needed in the western district of Michigan.

This urgently needed relief is assured through three provisions of the Judiciary Committee report. And, incidentally, I wish to express my appreciation to the committee, and particularly to the chairman of the subcommittee, the gentleman from Illinois [Mr. JONAS], for their understanding of the problem and their cooperation in working out a solution.

The three most important provisions of the bill, preserved in the committee's revisions, are:

First. Creation of a second district judgeship for the western district of Michigan.

Second. Transfer of six counties from the eastern district to the southern division of the western district.

Third. Provision for holding terms of court in two additional cities in the southern division of the western district.

Specifically, as to points 2 and 3, the report calls for a revision of the boundary between the eastern and western districts under which the counties of Clinton, Hillsdale, Ingham, Jackson, Calhoun, and Branch would be added to the southern division of the western district. It also authorizes terms of court to be held regularly in Kalamazoo and in Mason—in Ingham county—as well as in Grand Rapids where the court regularly sits.

I may add that these 3 points incorporate the recommendations with respect to the western district made by the special committee of the Michigan Bar Association, comprised of 5 distinguished and representative members of the bar of my State named to study this problem. The committee report deviates from the recommendations of the bar association committee, with respect to the western district, only in that the Judiciary Committee has added Hillsdale and Jackson Counties to the group proposed for transfer from the eastern to the western district.

I may add, by way of indicating my interest in this proposed legislation, that three of the counties proposed for transfer to the western judicial district—Branch, Calhoun, and Hillsdale—are located in the Third Congressional District of Michigan, and that the city of Kalamazoo, proposed as one of the additional sites for holding regular terms of court, is also in the third district.

Underlying these three major provisions of the revised bill is the recognition, both by the Judiciary Committee and by the bar association committee of my State, that the efficient operation of the Federal court and the requirements and convenience of the public, of litigants, and of the court itself, argue forcefully for these changes.

We have a very serious situation in the fact that the western district has only one judge, a situation which would be even more acute but for the exceedingly able and arduous efforts, at the jeopardy of his health, of this sole judge. The western district of Michigan as presently constituted comprises 44 countries, including the entire area embraced by the Upper Peninsula. It extends from the Indiana line on the south to the Wisconsin line on the north, a distance of 700 miles. The 1950 population of the district was 1,550,000. Transfer of the 6 counties proposed in this legislation—a transfer likewise dictated by considerations of public convenience—would increase the total population of the district to more than 2 million.

I wish to make no invidious comparisons, but I point out that the eastern district, with a total population of 4,800,000 in 1950, has 5 district judges—or an average of 1 for less than a million of population. While the judiciary committee report deletes the bar association's recommendation of one additional permanent district judge for one additional temporary district judge for the eastern district, I am not prepared to make too great an issue of the matter. The urgency, so far as an extra district judge for Michigan is concerned, clearly lies in the western district.

This urgency is further underscored by the increasing civil caseload in the western district, which rose from 242 to 327 between fiscal 1951 and fiscal 1952. With the addition of the 6 new counties, the civil cases commenced in the present fiscal year can reasonably be expected to reach the 400 mark.

Neither geographical area nor population figures tell the whole story as to this sharp rise in civil cases. The western district of Michigan, and particularly the southern division, has undergone and is undergoing industrial expansion involving additional Federal litigation. Addition of the important industrial cities of Lansing, Jackson, Battle Creek, and others through the change in boundary lines will accentuate this trend. Bear in mind, also, that southwestern Michigan is in close proximity to Chicago with consequent interstate business activities and resultant Federal court litigation.

As to the proposed transfer of the 6 counties from the eastern to the western district, I need only call attention to two or three facts. These counties, which include important industrial centers and, in the case of Ingham County includes the State capital, are closer in terms of mileage—and therefore in terms of convenience to the public, to litigants, to members of the bar and others—to Grand Rapids than to Detroit. The provision for regular terms of court in Kalamazoo and Mason will further reduce the mileage in cases which go to trial and will, therefore, further accommodate all parties concerned. Both the transfer of these counties and the provision of the additional sites for regular terms of court will also alleviate the burdensome inconveniences of taking litigation to a metropolitan city—particularly the city of Detroit.

On the basis of all these considerations—and, I repeat, the most urgent of these considerations is relief for a severely overworked single district judge in the western district—I urge favorable action by the House on the portion of this bill relating to the judiciary in the State of Michigan.

Mr. JONAS of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Chairman, I am not familiar with conditions that exist in all the 26 districts of the United States where Federal judges are requested by this bill. I do know something about the condition in the eastern district of Michigan in which my congressional district is located. One of the criticisms of the law is the laws delay: The long delay during which people cannot have their cases heard. We all think and are reminded by Jarndyce against Jarndyce to which the attention of all lawyers has been called many times. The administration of the law in my judgment goes to the very heart of good government. It is one of the most important functions of government. I think that it lends itself to the stability of government, and if we do not have an adequate administration of law in this country, the whole fabric of our society is weakened and degenerates.

I said a moment ago that my district is located entirely in the eastern district of Michigan, and I want to lend my remarks and raise my voice to what I think is the necessity for another judge in that area. When I was first elected to Congress in 1932 one-half of my district was in the city of Detroit and Wayne County. Because of the exceedingly great and rapid growth of the population in that part of Michigan, the southeastern part of Michigan, the Legislature of Michigan cut my district in two, and that part in Wayne County remains as the old 17th Congressional District, and Oakland County in which I live, was made the new 18th District. When I was first elected the population of my whole district was 318,000. When the district was cut in two by the Michigan Legislature, about a year ago, the population had risen to between eight and nine hundred thousand people and today the population of my own county of Oakland is more than the entire district contained 20 years ago. That district, the old 17th, is now represented by our distinguished

colleague, the gentleman from Michigan [Mr. OAKMAN]. Pontiac is the county seat, of Oakland County, and to indicate how rapidly the population has grown in that county, it contains more people—over 400,000, than the entire district contained 20 years ago. My home city of Royal Oak, Mich., has more than doubled in population in the last 15 years. Now, it so happens that the gentleman from Michigan, my friend and colleague [Mr. MACHROWICZ], said something about a judge in Detroit, 1 of the 5 district judges, who was ill because of overwork, Judge Arthur A. Koscinski. He is not only my friend, but my classmate in college. We graduated together in 1910 from the Detroit College of Law. I cannot speak emphatically enough of the necessity that has arisen because of the increase in population in the eastern part of Michigan for a new Federal judge.

Let me point out that in the eastern district of Michigan are such industrial cities as Flint, Pontiac, Midland, Jackson, Battle Creek, Saginaw, and Bay City, and may I add that in the southern part of my congressional district, in Oakland County, are more than 300 small industrial plants, in addition the great motor industry is nearly all located in the eastern district of Michigan.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to my friend and colleague from Detroit.

Mr. DINGELL. I just want to say disappointedly that since the case was definitely made out more on the side of the judgeships in the eastern district than was made out for one judge in the western district, certainly something went askew in the committee that those factual figures from the judicial conference right down to the last figure were so completely disregarded.

Mr. DONDERO. I thank the gentleman for his contribution.

Mr. DINGELL. The letter of Judge Picard sustains my position, as do letters from every other judge on the eastern district bench.

Mr. DONDERO. In connection with the position we are taking in favor of an additional judge for the eastern district of Michigan, I do not know whether my friend and colleague from Ann Arbor [Mr. MEADER] gave any statistics as to the number of cases presented to these judges in Detroit but, if not, I have them before me.

Mr. MEADER. If the gentleman will yield, I did not have time in the 5 minutes I consumed to give the entire figures. I do have a table sent to me by Judge Lederle in which I summarized that the eastern district of Michigan was either sixth, seventh, or eighth in the caseload per judge of the 20th districts recommended by the judicial conference. I mean sixth, seventh, or eighth from the top in the heaviest load.

Mr. DONDERO. In the report made by the special committee of the Michigan bar we find that during the fiscal year ending June 30, 1952, the cases instituted in the eastern district were, civil cases 1,352, criminal cases 653, and 22 cases in bankruptcy.

Further, may I say that the eastern district of Michigan contains two ports where they have many immigration cases, that is, the port at Port Huron and the port of the city of Detroit. So that in addition to all these statistics the courts in Detroit have those immigration cases to attend to as well.

Mr. LANE. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Chairman, I rise in support of the bill, S. 15. During the last session of Congress I supported the omnibus judgeship bill that included an extra judge for the entire State of Colorado. This bill includes an extra judge for the State of Colorado.

I direct your attention to the report, from page 22 to page 28 thereof, which sets forth the caseload and the increased work that has resulted in the State of Colorado. It has been recommended by the judicial conference. The facts and figures set forth on pages 22 to 28 are sufficient to make out a case for an extra judge in the State of Colorado. I recommend that you follow the report of the Judiciary Committee. They have studied this matter and recognize the need for the extra judge in Colorado.

Mr. LANE. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, it is my intention at the appropriate time to offer an amendment to add an Alaska judge to this bill; more properly, I should say, restore to the bill, because there was an Alaskan judge in the bill as it came from the other body.

If I had a partisan consideration in mind I should not do so because, if the judgeship is created, naturally one of the opposite political faith will be appointed. But partisan considerations in this matter are not even of secondary importance. They are of no importance whatsoever. There is, however, an overwhelming need that there be a second judge in the third judicial division in the Territory of Alaska. I am sure that every member of the committee knows that the situation in Alaska is entirely different from the situation in the States. There the Congress has set up a district court and has given the legislature the power to impose additional duties upon that district court. So, the situation with respect to a Federal judge in the States and in Alaska is not comparable. This request for another judge is not new, Mr. Chairman. The judicial conference has repeatedly urged the establishment of another judgeship in the third judicial division of Alaska. In the 81st Congress the House passed a bill establishing another judgeship in that judicial division. The measure that was reported to the House and later recommitted in the 82d Congress likewise contained a provision for an additional judgeship in Alaska. When the bill was later reported back, although not acted upon, it contained a similar provision. The Director of the Administrative Office of the United States Courts has repeatedly urged that the heavy workload in this division be lightened by the creation of another judgeship. Mr. Henry P. Chandler last did so in a letter to Chairman REED, dated March 12, 1953. The fact is that there has been no judge at all in the third judicial division since May, when our former colleague, Judge Anthony J. Diamond, passed away. The argument will be made, I suspect, that while there is much work in that division, too much work perhaps for any one judge to handle, judges ought to come in from other parts of Alaska. They have. But they have their own responsibilities in their own home districts. What the third division needs is another full-time judge.

Mr. LANE. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, this Michigan situation, as I stated a few moments ago is rather disappointing. The need for additional judgeships is particularly keen in the eastern district. We could, in fact, better use 2 additional judges in the eastern district than to have an increase of 1 in the western district. Michigan is a great and growing State and we can use this additional judge in the western district, but by all means we should have an additional judge in the eastern district. There can be no disagreement on that since the figures support the contention. Mr. Chandlers' assistant at the Supreme Court, with whom I discussed the matter, and anyone else I have come in contact with, the bar association, and so on, after making thorough studies at my request as far back as the last session agreed it was necessary to have additional judges particularly in the eastern district of Michigan. I put in a bill covering these judges, 3 of them, 2 in the eastern district and 1 in the western district. I am surprised that the eastern district fails in getting the authorization from the committee for at least 1 additional judgeship, and I serve notice now that I shall again introduce a bill giving 2 judges to the eastern district. But I hope that will not be made necessary by the fact that my colleague, the gentleman from Michigan [Mr. MEADER] will offer an amendment to the pending bill for at least one additional judge in the eastern district of Michigan, which I trust will be adopted.

Mr. JONAS of Illinois. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. OAKMAN].

Mr. OAKMAN. Mr. Chairman, I know of no section of the country that has enjoyed a more rapid industrial growth than the eastern district of Michigan. Just three counties in that great district that covers the whole eastern half of the State are what are known as the Detroit metropolitan area. Since the official census of April 1, 1950, we have enjoyed an increase in population of 10 percent; namely, 325,000, bringing us to $3,340,000. In just those 3 counties the employment from 1950 to date has increased from 1,193,000 to 1,490,000, or an increase of 20 percent. Factory employment has increased from 560,000 to 782,000, or a total of nearly 40 percent.

The Detroit area has the third largest volume of bank debits in the country.

I certainly want to support the amendment of my good colleague the gentleman from Michigan [Mr. MEADER] which he will offer.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LANE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. REAMS].

Mr. REAMS. The northern district of Ohio in the Senate bill was allocated 6 judges, but in the report of the committee and the amended Senate bill before us that number was cut down to 5. This means that the western division sitting at Toledo and the 22 counties in northwest Ohio, will continue to have just 1 judge. This is the committee recommendation in spite of the fact that in the past 12 years the caseload on that 1 judge has more than doubled.

This situation in the western division has become so heavy that it is almost impossible for a judge to handle. We have an exceedingly industrious judge, Judge Kloeb, a former distinguished Member of this House, who has been the judge for 16 years. Because of his tremendous application to the job he has been able to keep up with his work. It has been practically impossible for him to get any help from the three judges in eastern division of the district which sits at Cleveland. This is true largely because of the fact that their caseload is almost as heavy as the load in the western division.

Toledo is situated near the Indiana line and near the Michigan line. Because of that, interstate cases being filed in that court are increasing in number. If we are not granted another judge for this district, or at least if there is not a judge appointed whose duty it is to sit at least a large part of his time in Toledo, Judge Kloeb cannot continue to carry this heavy load. Economy is a virtue, and one which this Congress should practice more assiduously. But it is not economy when the processes of justice are delayed for months and years because Congress does not provide an adequate number of judges to take care of the caseload. Therefore I urge you, my colleagues, to accept the recommendation of the Chief of the Division of Procedural Studies and Statistics of the United States Courts and the recommendation of the Senate committee to give to the northern district of Ohio 2 new judges, with 1 of them sitting at Toledo. This western division of the district includes the cities of Lima, Findlay, Marion, and Sandusky, all rapidly growing industrial cities.

Mr. JONAS of Illinois. I yield 1 minute to the gentleman from Ohio [Mr. BETTS].

Mr. BETTS. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Ohio [Mr. REAMS]. I agree with what he has had to say.

Mr. LANE. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. MAGNUSON].

Mr. MAGNUSON. Mr. Chairman, I want to call the attention of the House to the situation in the Western District of Washingon and express the hope that when this bill goes to conference an additional judge for the Western District of Washington will be allowed.

The Senate version allowed for this additional judgeship, and I regret very much that the House Judiciary Committee has stricken it from the bill.

The Western District of Washington has only two full-time judges, and we literally are working them beyond the point of human endurance. The backlog of litigation is tremendous.

Please remember that we are dealing with one of the fastest-growing areas of the Nation. It is entitled to service, and it cannot get service when every litigant faces a delay of months or even years before he can get his case into court.

The only possible counterargument is economy, but I submit that the cost of an additional judgeship is a minor item when weighed against the cost to litigants of these endless delays. The courts move slowly enough under normal circumstances, but when you aggravate the situation with a grossly overloaded calendar and understaffed judiciary, you are not giving proper consideration to the rights of American citizens.

The situation as it exists is unfair to the judges presently on the bench in the western district. It is unfair to the many fine attorneys who practice law out there and it is unfair to the citizens who have business with the court. Time and time again, we see persons with just causes accepting inequitable out-of-court settlements because they simply cannot afford to wait out the snaillike processes of judicial procedure under these handicaps.

I sincerely hope the conferees of the House will accept this additional judgeship, as provided in the Senate bill, so the citizens of Western Washington may have their day in court without waiting a year or two in the anteroom.

Mr. LANE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Indiana is in more dire need for additional Federal district judges than any State in the union. I am going to give you a few statistics: Missouri with the same population as Indiana has 6 district judges; Indiana 2.

Florida, Georgia, and Oklahoma, States with less population than Indiana, have 5 district judges; Indiana 2.

Alabama, Louisiana, Virginia, Tennessee, and Washington each have 4 district judges; Indiana 2, yet Indiana has a population greater than those 4 States.

For the last three sessions of Congress I have appeared before the Judiciary Committee. I have also appeared on the floor of the House pleading for Indiana to get at least two additional judges. There has never been any question about the necessity of Indiana's needing two additional judges, but for some reason or other the legislation for additional judges always got stymied over in the other body or has never been enacted because of logrolling between other States. I overlooked stating that Wisconsin, with a population of 2,500,000, has 5 Federal judges, and Indiana, with a population of 4,104,000, has only 2 judges. The national average for disposal of Federal civil cases—period of time from filing of cases until disposal—is 6.7 months. The monthly average for case disposal in Indiana is 11.2 months.

Judge Luther Luygart, one of the youngest Federal judges in the Nation, who sits in the northern Federal district of Indiana, has been confined to the hospital twice in the last several years on account of the terrific workload. Indiana litigants in the Federal courts in Indiana have been denied their just consideration on account of the total inadequacy of Federal judges in the State. I carried on the fight for additional Federal judges for Indiana during the last four sessions of Congress. I could never get sufficient help from the members of the Republican delegation from Indiana regardless of the fact that the bar association and all organizations in Indiana were for the additional judges. Politics should not enter into the critical need for Federal judges in Indiana.

I am for this bill because of the urgent necessity and the pitiful Federal court situation in Indiana, and I am giving the same support to this bill as I did when the Democrats controlled Federal appointments. During the last session of Congress our former colleague, Winfield Denton, a member of the Judiciary Committee, devoted much time in a futile effort to get more Federal judges for Indiana.

Mr. LANE. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. LANTAFF].

Mr. LANTAFF. Mr. Chairman, the southern district of Florida, as a judicial district, came into being in 1911, when Congress divided the old district of Florida into a northern and a southern district. The new southern district was provided with one judge. A temporary judgeship was provided in 1922; and in 1929, and again in 1930, Congress authorized additional permanent judgeships, making a total of three permanent judgeships. Federal census figures show that in 1930 the population of the area included within this district was 1,138,951. In the next 10 years this population had increased to 1,512,755. At this point Congress created an additional temporary judgeship for the district, giving the district a total of four judges.

The temporary judgeship created in 1940 subsequently expired, and, to partially fill the loss, Congress in 1950 created another new permanent judgeship for both the northern and southern districts of Florida. Inasmuch as Judge Whitehurst, who holds this position, spends virtually all of his time within the southern district, the number of judgeships is now the same as it was in 1940. From 1940 the population within the area of this district increased 51 percent to a total of 2,277,533 in 1950. Since 1930, when three permanent judgeships were first authorized, to 1950, the population of the district doubled.

It should be noted that over the period of time from 1930 to 1950 the work of the Federal courts, particularly with reference to the business of the Government itself, has increased manyfold. Illustrative of this increase are the receipts of the Collector of Internal Revenue for the district which, for the fiscal year 1933 were $7.5 million, and which increased 79.5 times to $592 million for the fiscal year 1952.

The peculiarities of the geographic outline of the district should also be taken into consideration. The southern district of Florida has a coastline which extends from Jacksonville south around Key West, and then north to and including Tampa. This coastline, an estimated 900 miles in length, has the effect of adding to the Federal courts of the

district a burden of admiralty, immigration, customs, and other related matters uncommon to other districts throughout the country.

The number of civil cases filed per judge in the southern district of Florida during the fiscal year 1952 was 317 against a national average of 236. At the end of the fiscal year 1952, there were pending 1,067 civil cases in this district, an increase of 102 cases over those pending at the end of the fiscal year 1951. On March 31, 1953, there were 1,211 civil cases pending, an increase of 144 cases in the 9-month period from the preceding June 30—see Annual Report, Director of the Administrative Office of the United States Courts and subsequent quarterly reports.

The records of the clerk of the court show that during the calendar year of 1952, various district judges from other districts, on temporary assignments, spent a total of 150 days on the bench, actively engaged in the trial of cases. Inasmuch as there are only approximately 275 working days in a year, the district was, during 1952, provided with 54.5 percent of the services of an additional judge. Yet, the number of pending civil cases continued to increase and, whereas, the efforts of these visiting judges were helpful in stemming the tide, the increase in the business of the court was such that the number of pending cases is mounting at an ever-increasing rate, and this additional help made no determinable change in the situation.

At this point, it should be pointed out that all of the judges within the district are able, conscientious, in good health, and devote their full time and efforts to the business of the court.

The inability of the present judges to stay current with the mounting activities of the court is aggravated by the disproportionate increase, both in population and commercial activity, of the southeastern Florida area. Percentagewise, the population of this area has grown much faster than the remainder of the State. The increase in commercial activity for this particular section is even more impressive. Traffic reports compiled by the Dade County Port Authority show that since 1947 there has been a 39 percent increase in air passengers embarking and disembarking through the Miami International Airport to and from points outside the continental limits of the United States. Over the same period there has been an 80 percent increase in the amount of foreign mail and over three times as much cargo has been handled through this airport. The total cargo transported by air to and from points outside the continental limits of the United States during the year 1952 through the Miami International Airport was over 77 million pounds. There have been corresponding increases in the tourist business, a mainstay of the southeastern Florida economy. Since World War II, the Florida Power & Light Co., which serves this area, has more than doubled its capacity and is planning to triple its present capacity between now and January 1, 1962. Other utilities have experienced the same increase and, as to future growth, have independently reached similar conclusions as that of the Florida Power & Light Co.

This increase in population and commercial activity necessarily has brought about a tremendous increase in the business of the courts which is not altogether reflected in bare statistics. The tremendous amount of tourist business has burdened the Miami division of the Southern district which is responsible for all cases from Fort Pierce, including West Palm Beach and Fort Lauderdale to Key West, with an inordinate number of diversity of citizenship cases. The increase of international air traffic, both passenger and freight, has increased the work of the court in immigration and custom matters. For example, as late as 1950, one judge sitting on two separate days could very effectively dispose of all of the naturalization petitions filed in the Miami division. So far in 1953, one judge has devoted a total of 3 days to hearing immigration petitions and it is anticipated that at least 2 more days time, this year, will be needed. At the present time, the trial of civil jury cases in the Miami division is some 2 years behind. For example, on February 27, 1953, the civil jury trial docket was sounded. At this time, 80 cases were set for trial through the month of June, 1953. Of these 80 cases, none were filed subsequent to the year 1951, and 51 percent were filed before or during the year 1950. Despite the fact that trials were continuously in progress since the time of this sounding, the number of these cases not reached will consume the entire time of the judges allotted for the trial of civil jury cases in Miami for the remainder of the calendar year. This means, of course, that unless some relief is made available, that despite the best efforts of the judges now on the bench, the trial docket will fall farther and farther behind.

The circuit court of Dade County, Fla., which has original jurisdiction of all equity cases and of common law cases where the amount in controversy is in excess of $5,000, in 1930 had on its bench four judges. Subsequently, two additional judgeships were created. Since 1950, 4 further additions have been made to this bench, making a total of 10 judges. This brief history, itself, is indicative of the actual needs of the Federal court in Miami.

The number of cases filed or pending in the Federal court would probably not truly reflect the increased burden. In 1930, when the 18th amendment was in effect, the Federal dockets were cluttered with a great number of prohibition cases which could be and were disposed of in short order. During the war years, through the period of rent and price controls, the Federal courts were called upon to handle such matters. These cases involved relatively little time to try. For example, the record in the clerk of the court's office in Miami shows that one judge sitting in Miami on a temporary assignment over a 2-week period tried from 2 to 4 rent-control cases a day. The bulk of the increase in work, therefore, is due to the fact that the jury cases now ready to be tried, but which have not been reached, require ordinarily a minimum of 1 day's trial, and it is not uncommon that the trial of one case consumes an entire week, and, in some instances, several weeks.

Criminal matters, of course, take precedence over civil matters. The United States district attorney's office in Miami states that it ordinarily requires a 3-month waiting period to obtain a hearing on motions filed in criminal proceedings. This office has experienced a greater delay in the disposition of civil matters. Private litigants experience similar difficulties. Needless to say, these delays are prejudicial to all concerned.

I appreciate the fact that the committee has seen fit to authorize one additional judge for the southern judicial district, but the facts clearly indicate that two additional judges are the minimum needed in order to properly and promptly administer justice in this fast-growing section of the country.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. LANTAFF. I yield.

Mr. ROGERS of Florida. I want to associate myself with the remarks of the gentleman from Florida [Mr. LANTAFF], and also want the RECORD to show, which the report does not, that there is a term of court held in West Palm Beach, a term of court held in Fort Pierce, and a term of court held in Fort Myers. That does not appear in the record. These facts indicate that we need additional judges down there to take care of the work.

Mr. LANTAFF. That is very true. There are additional facts that are not pointed out in the RECORD.

Mr. JONAS of Illinois. Mr. Chairman, I yield myself the balance of the time on this side.

Mr. Chairman, I hope the Members of the House will not get the impression that the committee was bent on a mission of discriminating against particular areas or any given area that has been pointed out in a particular State. As a matter of fact, we tried to arrive at a solution of this problem by studying the population and by studying the caseload and the backlog that exists in the various courts that were located in areas for which they are asking assistance. By that means, and others too numerous and too detailed to mention, we arrived at this common understanding in the committee that finally made its report.

The gentleman from Alaska made a statement here that his area was deprived of a judge. There are 4 judges in Alaska now and the population of Alaska is not much in excess of 100,000 people.

The Michigan area presents a situation that has practical as well as a sympathetic appeal; however, there are five judges in the eastern Michigan area. In the State of Wisconsin, where there are 3,500,000 people, a little more than half the population of eastern Michigan they have 2 judges.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. JONAS of Illinois. I yield to the gentleman from Michigan.

Mr. DINGELL. What difference does it make, may I ask the gentleman from Illinois, that the eastern district has five

judges? It is the volume per judge that they carry.

Mr. JONAS of Illinois. That is right.

Mr. DINGELL. And all figures that have been submitted justify an increase in the eastern district, even ahead of that of the western district and in comparison to judgeships that were created in other parts of the country.

Mr. JONAS of Illinois. Any person who elects to propose an additional judge for his district can possibly make out a case.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. JONAS of Illinois. I yield to the gentleman from Michigan.

Mr. DONDERO. In the metropolitan area of Detroit alone there are practically 2½ million people. That is not the entire eastern district. There are nearly 5 million people in the eastern district for the 5 judges.

Mr. JONAS of Illinois. That is why I made the comparison. In the State of Wisconsin there are 2 Federal judges and there are more than 3½ million people in that State. If there are 7 million people in your district and there are 5 judges, they are still ahead of the situation that exists in the State of Wisconsin, and it is worse in the State of Indiana if a comparison based on population is the proper method to consider.

Mr. Chairman, I yield to the gentleman from California [Mr. WILSON].

Mr. WILSON of California. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WILSON of California. Mr. Chairman, my very able colleague, the gentleman from California [Mr. HILLINGS], and I early this session introduced similar bill calling for two additional judges for the southern district of California, one of whom should live at San Diego.

The Committee on the Judiciary has recommended in this bill only one additional judge for this district, in line with the measure passed by the Senate. No assignment was made for the residence of this judge at San Diego, because of the amendment, also included in this bill, which eliminates the designation of any places of residence for new judges or judges previously assigned.

During the investigation prior to the drafting of this bill, a great amount of testimony was submitted to the committee relative to the need for an additional judge in the southern division of the southern district of California, which means San Diego. Nearly all of the testimony that has resulted in the assignment in this bill of a new judicial seat for the southern district dealt solely with the overcrowded condition of the courts in San Diego, which because of its huge population growth, its proximity to the Mexican border, and its importance as a Navy and commercial port, has created an extremely severe problem whereby speedy justice is denied our citizens there.

I should like to call specific attention to report on this bill submitted by the committee. It says:

In recommending this provision the committee wishes to emphasize that in the course of the testimony there was a definite need for the continuous presence of a judge at Norfolk as well as the presence of an additional judge at San Diego.

Mr. Chairman, I submit that it is the sense of the Committee on the Judiciary, and by its passage of the bill, likewise the sense of this Congress that the additional judgeship assigned to the southern district is intended to fill the express need, shown and recognized by the committee, for an additional judgeship for the San Diego or southern division of the southern district.

I should likewise call to the attention of Congress, and to the judicial council of the ninth circuit, that the new provisions of the bill specify, and I quote again from the report that—

It would be in the public interest and when the nature of the business of the district court necessitates the presence of a judge near the place of holding court or within an area of the district, the judicial council of the circuit may so declare and make an appropriate order. Then if the district judges cannot agree as to which of them should take up his abode at the designated place, then the council will decide which of them shall do so.

Clearly, this indicates that it is the intent of this bill to provide that the judges should reside at or near the court to which they are assigned.

Mr. Chairman, I commend the committee for their fairminded attitude and their recognition and solution of the problems existing in the San Diego courts.

I submit a report on the situation in San Diego, entitled "Report of the Special Committee of the San Diego Bar Association Appointed February 2, 1953, To Investigate and Report on the Need for an Additional Federal District Judge in the Southern Division of the Southern District of California":

REPORT OF THE SPECIAL COMMITTEE OF THE SAN DIEGO BAR ASSOCIATION APPOINTED FEBRUARY 2, 1953, TO INVESTIGATE AND REPORT ON THE NEED FOR AN ADDITIONAL FEDERAL DISTRICT JUDGE IN THE SOUTHERN DIVISION OF THE SOUTHERN DISTRICT OF CALIFORNIA

On Monday, February 2, 1953, Ferdinand T. Fletcher, president of the San Diego County Bar Association appointed a special committee to investigate the need for an additional Federal district court judge in the southern division of the Southern District of California. The following report covers the findings of this committee:

HISTORY

The Southern District of California, United States District Court, Ninth Circuit, has courtrooms in three cities: Los Angeles, San Diego, and Fresno.

Prior to November 1, 1949, the judges of the Southern District of California all occupied chambers in Los Angeles. By a system of rotation, the various judges of the district held sessions at certain times during the year at Fresno and San Diego. The rotation was established each year by order of the judges.

On November 1, 1949, the judges of the Southern District of California by order assigned Hon. Campbell E. Beaumont to be relieved of all matters assigned to him in any division except the northern division, and he was assigned to sit in the northern division at Fresno. On the same date, Hon. Jacob Weinberger was, by a similar order, assigned to sit in the southern division, at San Diego.

The number of judges in the Southern District of California is now as follows:

Central division (Los Angeles, etc.)	8
Southern division (San Diego, etc.)	1
Northern division (Fresno, etc.)	1

Since November of 1949, the time of one Federal judge has been required exclusively to handle the San Diego calendar. Judge Weinberger has sat on the bench, with few exceptions, every day except Saturdays, Sundays, and holidays, usually from 9:30 or 10 a. m. until 5 p. m. He was ill on one occasion, and it was necessary to send a Los Angeles judge to take over the calendar for a few days. In 1950, during the vacation period, he had the assistance of Judge Thomason from El Paso, but Judge Weinberger was obliged to remain in chambers during that period also for the purpose of working on a submitted case. Neither he nor his staff had more than a few days' vacation in 1950.

VOLUME OF CASES

The business of the southern division is similar to that of the central division, except that the southern division has a larger volume of criminal business, due, no doubt, to its proximity to the international border and to its large increase in population. At the time of the 1952 census, the population of San Diego County was 688,000. The most recent census in Imperial County, which is also served by the southern division, is the 1950 census, which showed that county as having a population of 62,975. Without taking into account the rapid growth in the population of the two counties since these figures were computed, it is apparent that the San Diego court is now serving well in excess of 750,000 persons.

In order to gain some idea of the volume of criminal traffic in the northern, central, and southern divisions of the Southern District of California, the committee tabulated the number of prisoners awaiting trial on the last week of each month during the period commencing October 30, 1951, and ending October 28, 1952. This tabulation, which is appended to this report as exhibit A, shows that the average number of prisoners awaiting trial in the southern division, excluding the routine illegal entry and reentry or so-called wetback cases, was between 59 and 60 per month, as compared with an average of 33 in the central division and an average of between 5 and 6 in the northern division.

As a further guide to the volume of criminal traffic in the three divisions, the committee also tabulated the number of criminal cases pending on the last day of each month during the period commencing January 31, 1952 and ending September 30, 1952. This tabulation, appended hereto as exhibit B, shows an average of 203.66 cases pending at the end of each month in the southern division, as compared with an average of 132.33 in the central division and an average of 12.33 in the northern division. Even excluding the illegal entry and reentry cases, the average number of cases pending in the southern division at the end of each month during the period covered by the tabulation was 123.77.

To provide an additional indication of the volume of criminal traffic in the various divisions of the Southern District of California, the committee prepared summaries, appended hereto as exhibits C, D, and E, showing the total number of criminal cases filed and the total number of criminal cases closed in each of the three divisions during the months of January 1950, November 1952, and December 1952. It is believed that these summaries, together with the information contained in

the other exhibits herein referred to, provide convincing evidence of the desperate need for an additional judge in the southern division.

THE COURT CALENDAR

The criminal calendar has been so heavy that Judge Weinberger has been unable to set any civil cases for trial for almost a year and has had to vacate all pretrial hearings which he had set. A patent case which was commenced in 1951 provides an illustrative example of the situation with respect to the civil calendar. Hearings were first held for a week or so in 1951, then continued until subsequent dates, and finally vacated for the trial of criminal cases. As of January, 1953, the further hearing of the case was set for March 3, 1953, with no firm assurance that the criminal calendar would permit its trial.

Two income tax evasion cases filed in the southern division had to be transferred to judges at Los Angeles for trial and one civil case, involving the Fallbrook water rights controversy, was taken over by chief judge of the southern district, Hon. Leon R. Yankwich, to be tried in Los Angeles. An appeal is now pending as a result of the action of the court in transferring the case to Los Angeles. All of these transfers to Los Angeles were made necessary by virtue of the fact that the criminal calendar and the lack of courtroom facilities for another judge precluded the possibility of trying these cases in San Diego.

During the week Judge Weinberger spends Monday as law and motion day, handling pleas, arraignments, and sentences. Sometimes as many as 12 sentences are on the calendar, involving probation reports of 5 to 10 pages each. There are also settings and motions, some civil, some criminal. Tuesdays, Wednesdays, and Thursdays, and sometimes Fridays, are normally devoted to the trial of two criminal jury cases, with an occasional Friday spent in handling business left over from Monday, or in hearing pleas and sentencing alien reentry defendants.

Consequently, the trial of any civil case or of a criminal case requiring more than a day or so creates a backlog of criminal cases, with the inevitable result that criminal defendants remain in jail longer than is consonant with their constitutional rights.

Appended hereto, as exhibits F, G, and H, are monthly summaries of the matters handled by the district court, southern division, southern district of California during the months of October 1952, November 1952, and December 1952, respectively. Since November 1, 1952, Judge Weinberger has had the assistance of visiting judges and two courts have been almost constantly in session in San Diego. During part of this time, San Diego cases transferred to Los Angeles (as mentioned above) were being heard in Los Angeles. The judges assisting in San Diego were assigned here for the purpose, mainly, of trying a series of Veterans' Administration fraud cases wherein numerous defendants were indicted, and which trials it was expected would require 3 or 4 months to try.

Even with the assistance of a visiting judge, very little has been done about trying any civil cases, of which 22 were pending and at issue and ready for trial on the 1st of January 1953. The time of the visiting Judge has been taken up with the special criminal cases for which he was assigned, and Judge Weinberger's time has been occupied with the routine criminal calendar.

The observation can be made that the pleas and arraignments, sentences, settings, motions, and 1- or 2-day criminal jury and court trials on the San Diego calendar are sufficient to occupy the time of 1 judge, and more than 1 judge if either of the judges is to have any free time in chambers for research of submitted cases. It is believed that 2 judges could adequately handle the criminal calendar and still have time for extraordinary criminal cases (such as those requiring more than 3 or 4 days to try) and civil cases.

Recently space on the lower floor of the San Diego Courthouse has been remodeled to make a small courtroom and chambers. This space is only makeshift, however, and full-sized quarters for another judge are urgently needed.

The problem of the southern division cannot be permanently solved by the temporary assistance of judges from the central division. Regardless of how willing the judges from the central division may be to assist, their calendars do not permit them to be away for any length of time, and the rights of litigants are such that only in extreme cases can their matters be transferred to Los Angeles over their protest.

COLLATERAL MATTERS

In addition to the foregoing, it is the recommendation of the committee that serious consideration be given to the possibility of providing the southern division with its own grand jury and a separate clerk's office. Parenthetically, it should be pointed out that the northern division has both.

At the present time, all Federal grand jury indictments for the southern division are returned out of Los Angeles, thereby rendering it necessary to send all witnesses from San Diego to Los Angeles to testify. Similarly, since all files for the southern division are kept in Los Angeles, it is necessary to telephone Los Angeles for the number of each new case being filed in the southern division, and to constantly ship files back and forth between the two cities.

Although no statistics were made available to the committee in this connection, it is felt that this situation results not only in unnecessary delay inconvenience, but also in a needless a waste of Government funds.

Respectfully submitted.

EDGAR A. LUCE, *Chairman.*

Mr. JONAS of Illinois. Mr. Chairman, I yield to the gentleman from California [Mr. HILLINGS].

Mr. HILLINGS. Mr. Chairman, I want to join in the request of the gentleman from California [Mr. WILSON], and commend him for his efforts on behalf of the people of San Diego in attempting to secure another district judge for that rapidly growing area. It has been a pleasure to work with him. Incidentally, Mr. Chairman, great credit is due the San Diego Bar Association for its cooperation in supplying me with factual data for presentation to the Committee on the Judiciary.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

That the President shall appoint, by and with the advice and consent of the Senate, one additional circuit judge for the fifth circuit and two additional circuit judges for the ninth circuit. In order that the table contained in section 44 (a) of title 28 of the United States Code will reflect the changes made by this section in the number of circuit judges for said circuits, such table is amended to read as follows with respect to said circuits:

"Circuits	Number of judges
* * * * *	
Fifth	Seven
* * * * *	
Ninth	Nine
* * * * *	

Mr. HILLINGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HILLINGS: On page 15, line 14, strike out "two" and insert in lieu thereof "three" and on page 15, line 23, strike out "nine" and insert in lieu thereof "ten."

Mr. HILLINGS. Mr. Chairman, the amendment just read would affect the United States Court of Appeals for the Ninth Circuit. For the benefit of those Members who may not be familiar with the ninth circuit I would like to briefly explain the area which is encompassed by this particular court. It comprises the Territory of Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington. It is a large area, the largest geographical area of any of the circuit courts. It is not confined to any one State, as you can see, nor to any one particular territory.

I would like to explain the amendment very briefly in this way. The ninth circuit court presently consists of seven judges. The chief meeting place of that court is in San Francisco although, of course, it can sit in other areas throughout the circuit.

The present bill now before us, brought in by the Committee on the Judiciary, would increase the number of judges of the ninth circuit court from 7 to 9, an increase of 2.

The Senate bill which was considered by the committee would increase the number of judges of the ninth circuit court from 7 to 10. I agree with the Senate proposal. I say that despite my great respect and admiration for the distinguished chairman of the subcommittee, the gentleman from Illinois [Mr. JONAS] and the members of his committee, who have done an outstanding job on this legislation; a very difficult task, under all the circumstances, and I think they are to be commended. Nevertheless, I hope that my amendment may prevail over the recommendation of the subcommittee.

The action of the subcommittee is based on a recommendation made by the judicial conference some 2 years ago. At that time the judicial conference recommended 2 additional judges for the ninth circuit court. In the last 2 years certain changes have taken place which did not come directly before the judicial conference this year, which require in my opinion, 3 instead of 2 additional judges of that court.

I would like to read at this point a telegram I received from the Honorable William Denman, chief judge, United States Court of Appeals, Ninth Circuit, San Francisco, Calif.:

WASHINGTON, D. C., *July 17, 1953.*

Hon. PATRICK J. HILLINGS,
House Judiciary Committee,
Washington D. C.:

Supplementing my letter of July 11 to Chairman REED, are the following:

A. It has taken time for the litigants' appeals from the huge ninth circuit's increase in population to reach the court. Over 2 years ago these litigants' appeals had increased to an amount needing 2⅓ more circuit judges to serve them and the judicial conference of the United States voted for 2 more. Since then the litigants' appeals have constantly increased, until for the fiscal year ending June 30, 1953, the amount to 450. Requiring under the criterion of that conference 10 judges, that is 3 additional circuit judges. Obviously this could

not have been before the last meeting of the conference.

The conference's action of 2 years ago should not limit Congress to the 2 judges, when under the conference criteria the litigants today need 3 more.

B. You have the figures of the wrong done litigants in our heavy accumulation of cases in arrearage. Obviously, with but 2 added judges for litigants needing 3 added judges, these arrearages will increase instead of diminish.

C. Enforcing these figures of wronged litigants is the fact that the circuit judges who are trying to serve them, face the most diversified and varied questions of law and fact of any of the circuits, as summarized in my testimony before the Senate Committee.

WILLIAM DENMAN,
Chief Judge, United States Court of Appeals, Ninth Circuit, San Francisco, Calif.

The chief judge of that circuit is strongly in favor of the amendment which I am proposing.

Mr. Chairman, I would like to give a few of the reasons why I think this amendment to increase the number of judges from 9 to 10 is necessary in the ninth circuit court area.

First of all, there is a tremendous population increase in that area—all of these States that I have mentioned plus the Territories of Alaska, Hawaii, and Guam out in the Pacific. In 1940 the population of that circuit was 11,200,000. In 1953 the population is over 17,600,000.

The increase in docketings since 1950, just in the last 2½ years is approximately 47 percent. In 1950 there were 317 docketings before the court, and this year there will be approximately 468. In the first half of the fiscal year 1953 the average caseload per circuit judge in all the other circuits throughout the country was 22.7 cases. In the ninth circuit, it was 23.4 per judge, considerably more on the average than are handled in the other circuits. If we had 10 judges in the ninth circuit, the average judge there would be handling 44.4 cases per year and in all the other circuits it would be 44.7 per year. Today the average caseload per judge and the total caseload of the ninth circuit is higher than in any other circuit in the country.

There is another reason too, why we should have this increase, in my opinion, and that is the factor of age. The average age of 6 of the 7 judges in the ninth circuit is 74. The other judge is presently 64. This means that it is difficult for judges of that age to handle the tremendous workload in this busiest of all circuits. That, of course, is the opinion of Judge Denman as well.

The third reason why I think this amendment should be approved is the character of the litigation in the ninth circuit. It has the greatest diversity of all circuits. It has approximately 10 State and Territorial legislatures to contend with, and the laws coming out of those bodies constantly affect the actions of the court. The average number of legislatures in the other 9 circuits throughout the country is 4½.

Last year settlements of cases in this area were increased by 23 percent—many of them forced settlements because of the inability of litigants to get into court because of the heavy backlog.

Mr. Chairman, justice and the proper administration of our Federal court system demands the approval of this amendment.

I include in my remarks the statement of Hon. William Denman, chief judge, ninth circuit, before a subcommittee of the Committee on the Judiciary, United States Senate, March 30, 1953:

Judge DENMAN. Yes, Mr. Chairman; I want to talk about the same subject that you referred to. What I am going to talk about is that this is my 20th year coming here seeking additional judges. This is probably the last time I will come before you if I am successful in getting these three judges that we so badly need.

Senator MCCARRAN. That is the best argument in the world against giving them.

Judge DENMAN. Realizing that this may be my last appeal for more judges, my associates desire that I state our appreciation of all Senator MCCARRAN had done for his court of appeals in raising its membership from 3 in 1933 to its present 7 since 1937. In all this, however, he has made it clear that it has not come by favor to judges but for the need of litigants for additional judicial service. I have enjoyed Senator MCCARRAN'S friendship, but have always known that, so far as the need of litigants is concerned, the result would have been the same had the facts been presented by his most vigorous opponent.

I am looking forward to retiring from the circuit bench and going down to the district bench and working there. I have never tried as a judge in the lower courts.

What has happened with us, and this is not for your ears because you know this situation, but in the decade ending April 1950, 5,280,000 people were added to this circuit's population and in nearly 3 years since then, according to the Census Bureau, the increase has been at even greater rate, making a total increase since 1940 of 6,800,000. This circuit growth is no new event. It was constant in the three decades prior to 1940.

That increase since 1940 is from 11,200,000 to 17,600,000. During that period there was a shortage of district judges, and I have been on here, and aided in the creation of a large number of district judges, most of them between 2 and 3 years ago, you will recall. Since that time the volume of appellant litigation docketing in our court has increased enormously. For instance, I give you the figures in the fiscal year 1950 when there were 317 docketings. In 1951 it was 409; in 1952, 444; and for the last half year, 234, or at the rate of 468 per annum. The increase from 317 to 468 is 47 percent.

Now taking the caseload for the judges of the other 10 circuits where there are 58, and the need for another 1 in the fifth circuit has been recognized by the judicial conference, so that there are to be considered 59 other judges. The average caseload for these for the year 1952, the figures given me by the Administrative Office, the average was 44.7 per judge, and with 10 judges that we would have, our average would be 44.4.

The rise has continued in the first half of fiscal year 1953, where the average for the other circuit judges is 22.7 docketing and for us 23.4. That is to say, on the question of volume of business we have greater than the average of all the other circuit judges, and this growth with this jump of 6,800,000 people since the 1940 census, certain to continue with the daily moving of people into the circuit as they move into your State, Senator MCCARRAN.

Furthermore, there is pending in the Supreme Court a case which if it is to be decided according to the dissent of myself, would require each judge of the court, after decision in division, to consider the petition of each litigant for rehearing en banc. Now the volume of that business would be tremendous throughout all the circuits if that case is so decided. Probably this will come next Monday or the Monday after, it has been under submission for some time, and we may be faced with that additional amount.

Here the average caseload per judge is today higher than the average caseload of all the remaining judges, and the recommended judge of the conference. That is only part of it. You might conceivably have a very easy circuit in which the fact that there was a high volume of cases did not warrant any addition to the judgeships, but in our case we are a court of old men. The average age in my court of 6 judges is 74 years, and the 1 remaining judge is 64 years of age.

What I am praying is that when these judgeships are created we will have young men put on the bench, so we will have them in a maturing process with long service and all the gain that comes from having a judge of wide experience. But now there they are, these 7 older men I should say somewhere around 10 years older than the average circuit judge in age and with a gradual dropping in the writing of fully considered opinions, plus a great increase in procuriums; that is the second point.

There is not the juice in the court to take up any slack. The three additional judges will have that to do plus the catching up with arrearages, and the arrearages are very heavy.

The third thing is the character of litigation. The ninth circuit has the greatest diversity of litigation of the 9 other similar circuits. Ten of the Nation's most vigorous State and Territorial legislatures are pouring out their reforming and regimentary laws with which its circuit judges are confronted, while the average for the remaining 9 comparable circuits is but 4½ legislatures. In this respect the ninth circuit has double the load to carry; and

Whereas when the character of the legislation is examined its burden is much greater. These laws flow from the people in Alaska, in the Frigid Zone, down the Pacific Coast and Mountain States from Canada to Mexico, and out to Hawaii and to Guam, both in the Tropics, with an infusion of Asiatic and South Pacific people. The difference in climate, terrain, and races creates the greatest diversity of political and social relationships. Its vast and varied areas from its mineralized and forested mountains through its rich valleys to the Pacific and out in its islands have their equally varied agriculture, including pineapple and sugarcane, citrus- and deciduous-fruit orchards, cattle raising, lumber mills, mines and oilfields, irrigation under the inherited Spanish law, waterpower plants supplying all kinds of manufacturing enterprises, land transportation, and world maritime commerce, each producing its kind of litigation.

So we have these three factors, the numerical factor, the factor of age that cannot take up slack, and the diversity of cases giving a heavier pressure on the judges than in comparative circuits.

Senator MCCARRAN. How many are there on that court over 70?

Judge DENMAN. Six.

Senator MCCARRAN. They have served 10 years or more?

Judge DENMAN. Most of them. The next man is 64. There is not a young man on the court.

You may say, "Why does not the chief judge step in at 80 and tell the others to please get off the court and come along with me?" The chief judge has done as much work in the last 4 years as he ever did in the course of his career. There has been a falling off in some of the others, but that is to be expected. I do not see any prospect at

all of any resignations. But if you had them, the numerical amount of work for your new judges would require the additional three.

I might say that one of the evils that showed up in the last year was the great increase of settled cases way above the average of 23 percent, settled undoubtedly due to the fact that they could not get their cases tried, falling back on this massive arrearages. They have the wicked thing that happens when the weak man comes to terms with the strong wherever there are such delay forced settlements.

A man with a leg off for 4 years is in no position to dispute what the railroad wants to give him, and he cannot wait. So we beg of you to give us three judges. You asked for 2, and since the material that was given you on the 2, these new factors have come in that I have given you here.

Mr. LANE. Mr. Chairman, I rise in opposition to the amendment offered by our colleague.

May I state that under the provisions of the bill now before the House we have given to the ninth circuit two additional judges. I am aware of the fact that the Senate bill calls for three additional judges for the ninth circuit, but we felt that in view of the fact that the judicial conference had recommended only two, this matter could wait until further study as to an additional circuit judge for the ninth circuit was made by the judicial conference.

Mr. Chairman, the gentleman who has just addressed the House is a member of the Committee on the Judiciary. He explained in his most eloquent way to the full committee the need for this additional circuit judge. Your Committee on the Judiciary felt that we should go rather slow on allowing this particular judgeship and the others that have been mentioned in the general debate. The original Senate bill called for 39 judges and your committee has reduced that to 26. If we are going to amend this bill, there will be 13 amendments offered here to restore all the cuts that were made in this bill. The gentleman from Florida, the gentleman from Michigan, the gentleman from Alaska, and gentlemen from all the other States I have mentioned, including Ohio, are going to offer amendments here this afternoon to replace those judgeships that we have stricken from the bill.

We all like and respect and love and have great admiration for the gentleman from California, who sits on our committee, and we know there is a trend there for an additional circuit judgeship, but we felt that at this time two additional judges are warranted. If in the near future another one is needed, your committee can take it up at a later date. I am fearful that if we are going to start amending the bill now, Mr. Chairman, when only the first few sentences have been read for amendment, that for the rest of the afternoon you are going to have these other amendments offered, and rightfully so. We will be here for some time and, of course, we are going to load down this bill so that perhaps we may have some difficulty in getting it through at a later date.

Mr. JONAS of Illinois. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I desire to point out for the record that if the regular bill were here now, it would indicate that very recently California had received a number of additional judges through the good grace of the Congress of the United States. I think it was a good act, and I think it was necessary to do it because of the great influx of population and the allover change in that great State. It is very extraordinary and very unusual at any time to recommend three judges in a given area all at one time. It would practically create a new branch or an additional branch of the court or a complete panel of the court that functions in that particular area. As it happens, in this case, it is the ninth judicial circuit. There are seven judges at the present time in that circuit. If you added 2 more, as has already been pointed out on the floor of the House, it will bring the number up to 9 judges and as customary, and I think the members of the bar who are present here have observed from experience, that reviewing courts generally divide themselves into divisions with 3 judges in each of the respective divisions. I know there is a demand on behalf of sitting judges and chief justices of these respective courts for more judges. If we yield to those appeals we would have more judges added to the Federal courts than the Senate bill presently call for. They infrequently fail to point out in what respect they are losing time because of judges being ill, or being unable to function, or refusing to resign, or give way to men who can function. That may not be exactly in point here—I do not know that it is a fact in the ninth judicial circuit. Nevertheless I am concerned with the demand for three United States Circuit Court judges at this time. I am in accord with what my colleague, the gentleman from Georgia, said—that it is easy to argue and come before the Members of the House and say, "Here is the program calling for the number of judges. We ask you to supply"—

The purpose of the committee is to determine the propriety of these appointments and the necessity as well as the basic use and need for these appointments. I deeply regret that I must differ with my distinguished and close friend, the gentleman from California [Mr. HILLINGS] but I cannot see that this is a necessity although it is based, of course, on his desire to be faithful to his State, but as a matter of good business policy and as a matter of carrying out our official obligations, I cannot concede that there is a sound basis for this appeal.

Mr. HILLINGS. Mr. Chairman, will the gentleman yield?

Mr. JONAS of Illinois. I yield.

Mr. HILLINGS. I thank the gentleman for his kindness and his courtesy. Of course, the gentleman mentioned California. I wish to repeat, this particular amendment would affect not only California but the entire ninth circuit which includes Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Nebraska, Oregon, and the State of Washington. So it would be the entire area, the biggest circuit in the country. I want also to point out, thanks to the gentleman's courtesy, that we are finding now in the ninth circuit that settlements of cases have been upped 23 percent in the last year. Settlements have been forced on the litigants who find they cannot get into court for 3 or 4 years and to have a court review of their cases in the appellate court, and so they are forced to settle. I do not think it is fair for a man, for example, who has lost his leg in a railroad accident, and where a man is a railroad worker, to have to wait for 4 or 5 years to have his case finally adjudicated. Since he cannot afford to wait, he would probably be forced to take the settlement the railroad or his employers, as the case may be, force upon him. That is one of the reasons why it is essential in my opinion, that this amendment be approved in order to make sure that justice is done to the people scattered over this wide area in the western part of the United States.

Mr. WALTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not know of anything more useless than a 10th judge. After all, you must bear in mind the fact that circuit court judges sit in panels of three. By increasing the number from 7 to 9 there has been provided one-third more of the facilities for hearing appeals. One more panel has been provided. You must bear in mind this fact in connection with these judgeship bills: At this point I want to pay a compliment to the distinguished gentleman from Illinois [Mr. JONAS]. He has labored long on this matter and he has come up with a very intelligent bill. I do not think it should be amended, because when you start amending bills of this sort you get into a sort of a logrolling operation that has no end. But when you create a Federal judgeship you do more than impose the salary of the judge and his assistants and clerks on the taxpayers of America. You have to provide a place for their offices and for holding court. In the eastern district in Philadelphia we have long since outgrown the facilities, and the cost of providing additional adequate facilities for the district and circuit courts in that city is in excess of $3 million.

Another important thing to remember is this: Our populations shift. Today there may be a demand in one section of the United States that does not exist tomorrow, but after a court has been created, that is a permanent thing, whether the judge sits over 200 days a year, as they do in the eastern district of Pennsylvania, or 20 days a year in another place that I know about. It makes no difference. The cost is the same, and it is a permanent arrangement.

Earlier this afternoon we increased allowances for subsistence for judges. I firmly believe that by so doing we have taken a step that will relieve the situation in many places where dockets are congested, because the judges can now afford to live in the cities where those congested conditions exist, they will be glad to visit the United States if they do not have to do it at their own expense.

I trust that this amendment will be defeated and that all amendments to this bill will be defeated.

Mr. LANE. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Massachusetts.

Mr. LANE. The gentleman is aware that every judgeship we could create costs the taxpayers between $40,000 and $50,000 a year, because it not only includes the salary of the judge but the salary of the bailiff, the law clerk, the stenographer, and the librarian, and all of the other expenses that go with it.

Mr. WALTER. I understand that, but in addition to that, there is the expense of the facilities.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Pennsylvania.

Mr. GREEN. In connection with this additional judge, the gentleman realizes the situation we have in Philadelphia, with the 2 vacancies on the court that have not been appointed yet; 2 vacancies that were created at the end of the last session of Congress. If it were not for the gentleman from Pennsylvania, and I want to compliment him—I think he is the only Democratic Member of Congress who has been able to appoint a Democrat as a district attorney. We have no district attorney, and only through the efforts of the gentleman have we an acting district attorney.

Mr. WALTER. I did not have any knowledge of the gentleman's politics when I recommended him. He was the best lawyer I knew of to take the job at the very modest compensation that goes with it.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALTER] has expired.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. GROSS. Mr. Chairman, we have before us a bill here today, creating many lifetime jobs, that on the face of it is going to cost well over a million dollars, not just for 1 year but each year for all time. I have sat here patiently throughout the general debate this afternoon; I have heard every speaker on this bill, and with the greatest of ease they have glided over the fact that there is a lot of retirement pay tied up in this bill in addition to the $50,000 a year—they say—and I am sure that is the irreducible minimum—it is going to cost to support these new judges and their offices. Can the gentleman from Illinois give me some information as to the approximate cost of the retirement features of this bill?

Mr. JONAS of Illinois. If the gentleman refers to the retirement system for Federal judges he can find it out. I think all the facts with reference to the judges are set out in the report.

Mr. GROSS. All right; let us take these 19 new and permanent district judges; what is the retirement going to cost? Can the gentleman give us any idea?

Mr. JONAS of Illinois. I am sure I do not know how long they are going to live or when they might want to retire.

Mr. GROSS. Can the gentleman give us some idea about how much pay these district judges will get?

Mr. JONAS of Illinois. I am happy to announce to the gentleman from Iowa that they receive the munificent sum of $15,000 a year.

Mr. GROSS. And yet a Member of Congress gets $12,500. Do the judges make any contribution toward their retirement pay?

Mr. JONAS of Illinois. No, they do not.

Mr. GROSS. Members of Congress do.

Mr. JONAS of Illinois. That is right.

Mr. GROSS. So once again we are setting up 19 permanent Federal district judges, 4 temporary district judges, and 3 permanent circuit judges, each with a salary of $15,000 a year and no requirement that they contribute a dime to their retirement? Is that correct?

Mr. JONAS of Illinois. Yes; all of that is factually correct, but it is just a matter of luck. If the gentleman is a member of the bar and wants to be a judge he could be appointed on a life tenure at $15,000 a year. If he runs for Congress he gets $15,000 a year but he is subject to the whim and will of the people.

Mr. GROSS. The Member of Congress gets $15,000 a year if you count in the $2,500 expense allowance. Now a Federal judge has an expense allowance on top of his salary?

Mr. JONAS of Illinois. He has $10 a day expense allowance when traveling to help provide for living expenses and sustenance comparable to the dignity of the office he occupies, the munificent sum of $10 a day which I think was recently increased to $15 a day.

Mr. LANE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. LANE. I would like to point out to the gentleman that when a judge retires he can be called back to active service in emergencies and when he is he serves without additional salary.

Mr. GROSS. What do those judges get?

Mr. LANE. They get their full salary on retirement.

Mr. GROSS. The full salary of $15,000, $17,500, or what ?

Mr. LANE. Fifteen thousand dollars, and when they are called back they serve, of course, without pay.

Mr. GROSS. Yes, he is paid—at the rate of $15,000 a year which is his retirement pay, plus expenses. I just want to say to the gentleman that I am opposed to this business, and especially so in view of the fact that right now we are being asked to raise the debt limit. It seems to me that Congress is being run for the benefit of the employees of Congress and the nonelected officials of the Government. In the 5 short years I have been around here, I have become convinced that in these matters we legislate for the benefit of everybody except Members of Congress. I am getting tired of it, I may say to the gentleman.

Mr. McDONOUGH. Mr. Chairman, I rise in support of the amendment submitted by the gentleman from California [Mr. HILLINGS].

Mr. Chairman, I want to associate myself with the remarks of the gentleman from California [Mr. HILLINGS]. He has stated the case in the ninth district. I doubt if there is a district in the United States that is comparable for size, diversification, population, as the ninth judicial district, or that has greater urgency for the need of an additional judge.

Mr. FULTON. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I understand that under the current bill for the State of Pennsylvania there has been a cut from 2 permanent district judgeships in the eastern district of Pennsylvania to 1 and a cut from 2 district judgeships in the western district of Pennsylvania to 1 permanent additional judgeship, by taking out the second temporary judgeship originally planned for. From my own observation of the western district of Pennsylvania that court calendar has been very crowded. Cases are delayed many months through too few judges to handle the caseload. There have been various reasons of health and sickness and age on the part of previous judges there, but the present too few judges are doing as efficient a job as can be done to clear up the backlog of cases. This is not possible with the present court.

Could I ask the chairman of the subcommittee, What is the reason for the cuts in eastern and western districts of Pennsylvania in view of the fact that the district courts are so far behind in their work? That is a common question in our State. I believe firmly that our Pittsburgh citizens want prompt and efficient justice in the United States courts, and as citizens and taxpayers we are not getting it. My question is simply, "Why?"

Mr. JONAS of Illinois. I can think of one basic reason that I am reasonably sure had some influence on the committee. In the course of our investigation it developed that when the requests were made for 4 additional judges, 2 in the eastern district and 2 in the western district, it was also ascertained that you had 4 vacancies in the eastern and western districts of Pennsylvania and that the vacancies had not been filled. No basic or sound reason was given why the vacancies were not filled. If you could have your 4 vacancies filled you would have 4 additional judges. I understand there is the usual and customary dispute among the distinguished gentlemen in the other body who represent that State. I am not giving this out as information that has been corroborated, but having had the experience in my own State to that extent I assume that it is not entirely peculiar to my State and could happen in others.

Mr. FULTON. In the western district of Pennsylvania one vacancy has been filled by Judge Willson who was sworn in last week. So there is only one vacancy that has existed since early spring only, through the death of my good friend, Judge Alvah Stewart. There is now no vacancy existing in western Pennsylvania for longer than something over 4 months. That would not seem to be a valid reason for depriving the western district of Pennsylvania of a judgeship that would make justice even possible in our courts.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from Pennsylvania.

Mr. WALTER. May I suggest to my distinguished friend from Pennsylvania

that a very simple solution for part of the trouble in the eastern district would be for each of the United States Senators to recommend somebody to fill these vacancies. It seems to me that would be a very practical way to eliminate this stalemate, because the vacancies that exist now have existed for nearly a year, one occasioned by the resignation of Judge Bard, who was candidate for United States Senator, and the other by the resignation of Judge McGranery, who became Attorney General of the United States. If those 2 vacancies were filled, I feel this 1 additional judgeship would be ample for the eastern district.

Mr. FULTON. May I ask the gentleman from Pennsylvania, because I value his judgment, as to western Pennsylvania. There is one vacancy not filled, and, as I believe the gentleman knows, it is only since Judge Stewart died in March or April of this year, so there is not the reason in western Pennsylvania that apparently exists in eastern Pennsylvania. There is a need in both the eastern district and western district of Pennsylvania for the citizens to have their cases tried. The cases are piled up so high a citizen cannot get justice in the United States courts there or in Pittsburgh.

Mr. WALTER. It is a perfectly disgraceful situation. As a matter of fact, the senior circuit judge has advised the district court judges to try no cases except criminal cases. The civil trial list in the eastern district is 40 months behind. But in your district we have been talking about, in the western district of Pennsylvania, the backlog was occasioned by the refusal of three stubborn old men not to retire. They retained their positions without functioning, without ever going into court, with the result that the only people who ever tried cases were visiting judges. These three old men hung on to the bitter end because they did not want to see a Democratic President fill the vacancies that would be created by their resignation.

Mr. FULTON. That does not eliminate the fact that in western Pennsylvania, as in eastern Pennsylvania, there has been a complete blockade of cases so that citizens cannot get any civil cases tried in the district court of the United States. The delay on all cases certainly blocks the average citizen from fair access to the courts of justice. This is oxcart justice which holds back business and destroys the confidence of the average man in our local United States district court. It is unfair to the judges, to the taxpayers, and to the people of Pennsylvania, and should be corrected at once.

Mr. JONAS of Illinois. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. HILLINGS].

The amendment was rejected.

Mr. DONDERO. Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The remainder of the bill as follows:

SEC. 2. (a) (1) The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the southern district of California, 1 additional district judge for the district of Colorado, 1 additional district judge for the district of Delaware, 1 additional district judge for the southern district of Florida, 1 additional district judge for the district of Idaho, 1 additional district judge for the northern district of Indiana, 1 additional district judge for the southern district of Indiana, 1 additional district judge for the western district of Kentucky, 1 additional district judge for the district of Massachusetts, 1 additional district judge for the western district of Michigan, 1 additional district judge for the district of New Jersey, 2 additional district judges for the southern district of New York, 1 additional district judge for the northern district of Ohio, 1 additional district judge for the eastern district of Pennsylvania, 1 additional district judge for the western district of Pennsylvania, 1 additional district judge for the eastern district of Texas, 1 additional district judge for the eastern district of Virginia, and 1 additional district judge for the eastern district of Wisconsin.

(2) The existing judgeship for the eastern and western districts of Missouri, created by the act entitled "An act to provide for the appointment of an additional district judge for the eastern and western districts of Missouri," approved December 24, 1942 (56 Stat. 1083), the existing judgeship for the southern district of Texas created by section 2 (d) of the act entitled "An act to provide for the appointment of additional circuit and district judges and for other purposes," approved August 3, 1949 (63 Stat. 495), and the existing judgeship for the northern and southern districts of West Virginia, created by the act entitled "An act to provide for the appointment of an additional district judge for the northern and southern districts of West Virginia," approved June 22, 1936 (49 Stat. 1805), shall be permanent judgeships.

(3) In order that the table contained in section 133 of title 28 of the United States Code will reflect the changes made by this subsection in the number of permanent judgeships for certain districts, such table is amended to read as follows with respect to said districts:

"Districts	Judges
California:	
* * * * *	
Southern	11
Colorado	2
* * * * *	
Delaware	3
* * * * *	
Florida:	
* * * * *	
Southern	4
* * * * *	
Idaho	2
* * * * *	
Indiana:	
Northern	2
Southern	2
* * * * *	
Kentucky:	
* * * * *	
Western	2
* * * * *	
Massachusetts	5
Michigan:	
Western	2
* * * * *	
"Districts	Judges
19	
Missouri:	
* * * * *	
Eastern and western	2
* * * * *	
New Jersey	7
* * * * *	
New York:	
* * * * *	
Southern	18
* * * * *	
Ohio:	
Northern	5
* * * * *	
Pennsylvania:	
Eastern	8
* * * * *	
Western	5
Texas:	
* * * * *	
Southern	4
Eastern	2
* * * * *	
Virginia:	
Eastern	3
* * * * *	
West Virginia:	
* * * * *	
Northern and southern	1
Wisconsin:	
Eastern	2
* * * * *	

(b) (1) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of New Mexico. The first vacancy occurring in the office of district judge in said district shall not be filled.

(2) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of North Dakota. The first vacancy occurring in the office of district judge in said district shall not be filled.

(3) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of South Dakota. The first vacancy occurring in the office of district judge in said district shall not be filled.

(4) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the middle district of Tennessee. The first vacancy occurring in the office of district judge in said district shall not be filled.

(5) The second sentence of section 94 (a) (3) of title 28 of the United States Code is hereby amended to read as follows: "Court for the Hammond division shall be held at Hammond and Lafayette."

(6) (a) Section 102 (a) (1) of title 28 of the United States Code is amended to read as follows:

"(1) The southern division comprises the counties of Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Sanilac, Washtenaw, and Wayne.

"Court for the southern division shall be held at Detroit and Port Huron."

(b) The second sentence of section 102 (a) (2) of title 28 of the United States Code is amended to read as follows:

"Court for the northern division shall be held at Bay City and Flint."

(c) Section 102 (b) (1) of title 28 of the United States Code is amended to read as follows:

"(1) The southern division comprises the counties of Allegan, Antrim, Barry, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Clinton, Eaton, Emmet, Grand Traverse, Hillsdale, Ingham, Ionia, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, St. Joseph, Van Buren, and Wexford.

"Court for the southern division shall be held at Grand Rapids, Kalamazoo, and Mason."

(8) The second sentence of section 115 (a) (1) of title 28 of the United States Code is hereby amended to read as follows: "Court for the eastern division shall be held at Cleveland, Youngstown, and Akron."

(a) The first sentence of subsection (d) (4) of section 124 of title 28 of the United States Code is hereby amended to read as follows: "(4) The San Antonio division comprises the counties of Atascosa, Bandera, Bexar, Comal, Dimmit, Frio, Gonzales, Guadalupe, Karnes, Kendall, Kerr, Medina, Real, and Wilson."

(b) The first sentence of subsection (d) (5) of section 124 of title 28 of the United States Code is hereby amended to read as follows: "(5) The Del Rio division comprises the counties of Edwards, Kinney, Maverick, Terrell, Uvalde, Val Verde, and Zavalla."

(9) The present incumbent of the judgeship created by the act entitled "An act to provide for the appointment of an additional district judge for the eastern and western districts of Missouri," approved December 24, 1942 (56 Stat. 1083), shall henceforth hold such office under section 133 of title 28 of the United States Code, as amended by this act.

(1) The present incumbent of the judgeship for the southern district of Texas created by section 2 (d) of the act entitled "An act to provide for the appointment of additional circuit and district judges, and for other purposes," approved August 3, 1949 (63 Stat. 495), shall henceforth hold such office under section 133 of title 28 of the United States Code, as amended by this act, and section 2 (d) of the said act approved August 3, 1949, is repealed.

(11) The present incumbent of the judgeship created by the act entitled "An act to provide for the appointment of an additional district judge for the northern and southern districts of West Virginia," approved June 22, 1936 (49 Stat. 1805), shall henceforth hold such office under section 133 of title 28 of the United States Code, as amended by this act.

(12) Section 134 of title 28 of the United States Code is amended to read as follows:

"§ 134. Tenure and residence of district judges.

"(a) The district judges, except in Hawaii and Puerto Rico, shall hold office during good behavior. The district judges in Hawaii and Puerto Rico shall hold office for terms of 6 and 8 years, respectively, and until their successors are appointed and qualified.

"(b) Each district judge, except in the District of Columbia, shall reside in the district or one of the districts for which he is appointed.

"(c) If the public interest and the nature of the business of a district court require that a district judge shall maintain his abode at or near a particular place for holding court in the district or within a particular part of the district the judicial council of the circuit may so declare and may make an appropriate order. If the district judges of such a district are unable to agree as to which of them shall maintain his abode at or near the place or within the area specified in such an order the judicial council of the circuit may decide which of them shall do so."

SEC. 3. (a) The first sentence of section 26 of the Organic Act of the Virgin Islands of the United States, as amended (48 U. S. C. 1405y), is amended to read as follows:

"The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of the Virgin Islands who shall hold office for the term of 8 years and until his successor is chosen and qualified unless sooner removed by the President for cause, and a district attorney who shall hold office for the term of 4 years and until his successor is chosen and qualified unless sooner removed by the President for cause."

(b) This section shall take effect upon its approval but shall not affect the term of any incumbent whose term has not yet expired.

SEC. 4. (a) Sections 371 and 372 of title 28, United States Code, are hereby amended to read as follows:

"§ 371. Resignation or retirement for age

"(a) Any justice or judge of the United States appointed to hold office during good behavior who resigns after attaining the age of 70 years and after serving at least 10 years continuously or otherwise shall, during the remainder of his lifetime, continue to receive the salary which he was receiving when he resigned.

"(b) Any justice or judge of the United States appointed to hold office during good behavior may retain his office but retire from regular active service after attaining the age of 70 years and after serving at least 10 years continuously or otherwise, or after attaining the age of 65 years and after serving at least 15 years continuously or otherwise. He shall, during the remainder of his lifetime, continue to receive the salary of the office. The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires.

"§ 372. Retirement for disability; substitute judge on failure to retire

"(a) Any justice or judge of the United States appointed to hold office during good behavior who becomes permanently disabled from performing his duties may retire from regular active service, and the President shall, by and with the advice and consent of the Senate, appoint a successor.

"Any justice or judge of the United States desiring to retire under this section shall certify to the President his disability in writing.

"Whenever an assocate justice of the Supreme Court, a chief judge of a circuit or the chief judge of the Court of Claims, Court of Customs and Patent Appeals, or Customs Court, desires to retire under this section, he shall furnish to the President a certificate of disability signed by the Chief Justice of the United States.

"A circuit or district judge, desiring to retire under this section, shall furnish to the President a certificate of disability signed by the chief judge of his circuit.

"A judge of the Court of Claims, Court of Customs and Patent Appeals, or Customs Court desiring to retire under this section, shall furnish to the President a certificate of disability signed by the chief judge of his court.

"Each justice or judge retiring under this section after serving 10 years continuously or otherwise shall, during the remainder of his lifetime, receive the salary of the office. A justice or judge retiring under this section who has served less than 10 years in all shall, during the remainder of his lifetime, receive one-half the salary of the office."

(b) The analysis of chapter 17 of title 28, United States Code, immediately preceding § 371 of such title, is amended by striking out the items "371. Resignation or retirement for age; substitute judge on failure to retire." and "372. Retirement for disability.", and inserting in lieu thereof the following:

"371. Resignation or retirement for age.
"372. Retirement for disability; substitute judge on failure to retire."

SEC. 5. Section 373 of title 28, United States Code, is amended to read as follows:

"§ 373. Judges in Territories and possessions.

"Any judge of the United States District Courts for the District of Hawaii or Puerto Rico, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, the District Court of Guam, or the District Court of the Virgin Islands, and any justice of the Supreme Court of the Territory of Hawaii who resigns after attaining the age of 70 years and after serving at least 10 years, continuously or otherwise, or after attaining the age of 65 years and after serving at least 15 years, continuously or otherwise, shall continue during the remainder of his life to receive the salary he received when he relinquished office.

"Any judge of any such courts who is removed by the President of the United States upon the sole ground of mental or physical disability or who fails of reappointment, shall be entitled, upon attaining the age of 65 years or upon relinquishing office if he is then beyond the age of 65 years, (a) if his judicial service aggregated 16 years or more, to receive during the remainder of his life the salary he received when he relinquished office, or (b) if his judicial service aggregated less than 16 years but not less than 10 years, to receive during the remainder of his life that proportion of such salary which the aggregate number of years of his judicial service bears to 16.

"Service at any time in any of the courts referred to in the first paragraph, or in any other court under appointment by the President, shall be included in the computation of aggregate years of judicial service for the purposes of this section."

SEC. 6. The act entitled "An act to clarify the law relating to the filling of the first vacancy occurring in the office of district judge for the eastern district of Pennsylvania, and to provide for the appointment of an additional United States district judge for the eastern, middle, and western districts of Pennsylvania," approved July 24, 1946 (60 Stat. 654), is amended by adding at the end of section 2 a new sentence to read as follows: "If a vacancy arises in the office of district judge for the middle district of Pennsylvania while the judge appointed pursuant to this section is holding the office created by this section, such judge shall thereafter, be a district judge for the middle district of Pennsylvania."

Mr. MEADER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEADER: Page 16, line 12, after the comma, insert the following: "one additional district judge for the eastern district of Michigan," and on page 18 after line 16, insert the following: "Eastern 6"

Mr. MEADER. Mr. Chairman, first of all, I want to thank the chairman of the subcommittee handling this bill for giving me time during general debate. He has been very gracious.

I tried to set before the House in general debate the facts which, on their merits, justify the increased judgeship proposed by my amendment. I hoped that the remarks I made and the efforts of my colleagues might convince the Committee on the Judiciary of the importance of this additional judge to the eastern district of Michigan. I hoped to persuade the committee to accept this amendment.

If any district judgeships are justified, in addition to the 19 judgeships provided in this bill it is that for the eastern district of Michigan. The population increase, the increase in Federal activity in the area in the 15 years that have elapsed since there have been any additional judges, and the caseload per judge justify the increase of one addi-

tional judge which would be accomplished by my amendment.

May I point out that the Michigan bar, after a very careful study by some of the leading members of the bar, recommended not only a permanent additional judge for the eastern district of Michigan as well as one for the western district but in addition to that asked that there be a temporary judgeship for the eastern district. They urged the latter on the ground that 1 of our 5 district judges is not in good health and is unable to carry his full share of the load. The Judicial Conference approved this judgeship. It is included in the Senate bill.

Mr. Chairman, the entire State of Michigan in the decade between 1940 and 1950 increased in population by about 1,100,000, an increase of 21 percent. The population increase was heaviest in the eastern district of Michigan.

In Washtenaw County, in my district, where the Willow Run plant is located, in the decade between 1940 and 1950 the population increased by 66.6 percent. You have heard the gentleman from Oakland County, from the Eighteenth District of Michigan [Mr. DONDERO], refer to the increase in his county. It was 55.9 percent in that decade. The county of Wayne increased 20.8 percent, to a population of 2,435,235.

According to the 1950 census, the total population of the eastern district of Michigan was 4,826,545, compared with 3,878,608 in 1940.

The total population in Michigan increased in that decade by 1,115,600. The increase in the eastern district was 947,937. It is thus clear that 85 percent of the population increase in the last decade in Michigan has been in the eastern district of Michigan with only 15 percent of the increase in the western district.

I think it is only proper to point out that in the 3 years since 1950 that population trend has continued to go up.

Looked at from every angle if a case was made, as the subcommittee appears to believe, for doubling the judgeships in the western district, a fortiori an increase of one-fifth is justified for the eastern district. If this is true on a basis of population increase alone, the case is even far more persuasive when the nature of the economic activities in the eastern district and the Federal litigation they engender are taken into account.

I would hope in the first instance that the Judiciary Committee would be persuaded by these facts and would accept this amendment. If the committee is unwilling to do this, I hope the Members of the House will be convinced by these facts and overrule the committee. If neither the committee nor the House adopt this amendment at this time, it is my hope that in the conference with the Senate the House Members of the conference committee will yield to the Senate on this judgeship.

Mr. CLARDY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am also from Michigan, and probably my brothers on the delegation will not be speaking to me after I have finished, because I am opposing the amendment. I am probably the freshest from the practice in the courts in Michigan because I am the last to be added to the list of Michigan Representatives.

You must not forget that we are confronted, I learned today, with the possible necessity of having to lift the debt limit. Does it make sense on the same day or almost the same day that you are asked to do that to add further millions, because this will go on forever, to the expense of Government? I say no, and I shall vote against both, and I am speaking against this amendment for that reason.

It is proposed that 6 counties be taken from 1 district and be put in the other. That is all to the good, and I wish the bill could be limited to that, because I think it makes sense. There is a better suggestion, that some day will come along, and that is to make the entire State of Michigan one district, so that the judges may be shifted. But that is not before us.

May I point out this: A considerable part of the population that my friend from Ann Arbor has mentioned will be shifted into the district where I live, as provided for in the new bill. It is my humble opinion that at the present time there are plenty of judges in the eastern district if they work as hard as we Members of Congress and if the entire bench in Detroit were on the job all the time, which it is not. In the western district we have a hardworking judge who does a good job, and I want to commend him. With this shift made there may be some justification for an additional judge on that side. Even so, I am going to vote against the entire bill, because I am not convinced that it makes sound sense to add additional millions of dollars per year to the tax burden upon our people when we are going to be asked before we go home to increase the debt limit. If that makes sense to anyone, you must exclude me from that category.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. CLARDY. I yield to my brother from Jackson.

Mr. MEADER. I just want to correct the gentleman. I hope his other statements are more correct than this one.

Mr. CLARDY. Which one is wrong, GEORGE? I will confess error if I am in error.

Mr. MEADER. I come from Ann Arbor.

Mr. CLARDY. I beg the gentleman's pardon. He comes from one of the best towns in the State. I said Jackson because that is the biggest town and there is the biggest population in it.

May I point out this one thing in conclusion. We have been giving away the substance of our people by the shovelful ever since I came down here. I have been voting consistently against every increase in expenditure and I have been voting for every decrease in expenditure including foreign aid. It seems to me it is about time we got some realism into our heads and quit adding to the burden. I hope this amendment and the bill will be defeated.

Mr. DONDERO. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I had not intended to speak twice on this subject, but the challenge offered by the gentleman from Lansing [Mr. CLARDY] cannot remain unanswered.

In the first place, I think the fact that an additional judge in the eastern district of Michigan has been omitted from the bill is a travesty on justice itself. Secondly, the gentleman from Lansing, Mich., my warm friend [Mr. CLARDY], who lives far enough away from the eastern district of Michigan that he may not practice in that court. If he did, undoubtedly his cases would be on the docket 2 or 3 years before they would be called. Thirdly, I am satisfied from the statement that he made that he could not have heard the case that we have made for an additional judge in the eastern district of Michigan. Certainly, I do not know what to add to this record which would be more impressive as to the need for a judge than the figures that have already been given to the House. If you were a lawyer and you had to wait 2 or 3 years before your case was heard, you would be in this forum asking that an additional judge be granted to this district. If there is anything that affects the high standing of living in this country, it is the administration of justice. When there are not adequate courts or adequate personnel connected with the administration of justice, it seems to me that function of government suffers. Here is an opportunity to remedy the condition in the eastern district of Michigan, therefore I ask that the amendment be adopted.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. GROSS. May I respectfully suggest to the gentleman that taxes levied for this and other purposes play a very important part in the standard of living in this country.

Mr. DONDERO. Yes; I agree with that. There is no argument about that, but I cannot see much connection between that and providing necessary judges for the administration of justice among our people. I would like to take the entire cost of this bill out of the foreign-aid bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MEADER].

The question was taken; and on a division (demanded by Mr. MEADER) there were—ayes 18, noes 78.

So the amendment was rejected.

Mr. CARRIGG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARRIGG: On page 28, strike out lines 9 through 21.

Mr. CARRIGG. Mr. Chairman, this amendment is rather novel because of the fact that it does not ask for the creation of any new judgeship, nor will it cause the additional expenditure of any money on the part of the Government. The amendment will help Pennsylvania in this respect.

Some time ago a judge was appointed as a roving judge in the State of Pennsylvania, to cover three districts; the eastern district, the middle district, and the western district of this State. The judge who received this appointment is the man who sought the appointment. The appointment was made for him. He accepted it under those conditions that

he would be a roving judge covering these three districts.

At the present time there is in the bill section 6 which states that if a vacancy should occur in the middle district of Pennsylvania, the roving judge would be assigned to that position and, by reason of the fact that when he was appointed a roving judge it was so included in the act that upon his death or resignation that office should not again be filled, if it should happen now under the conditions of the act as proposed a vacancy occurred tomorrow or the next day in the Middle District of Pennsylvania, Pennsylvania would actually lose one judge. This is what we seek to prevent.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. CARRIGG. I yield to the gentleman from Pennsylvania.

Mr. SCOTT. Is it not the fact that the business of the courts is actually increasing and that is why we have this bill to add additional judges elsewhere in the country? This is one of the few instances in the bill, if not the only one, where a State would actually lose a judge by virtue of a special provision in this act.

Mr. CARRIGG. That is exactly true.

Mr. SCOTT. I want to compliment the gentleman for his statement.

Mr. CARRIGG. I thank the gentleman very much.

Mr. JONAS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CARRIGG. I yield to the gentleman.

Mr. JONAS of Illinois. I want to say to the gentleman that the subcommittee in their report had in it the amendment that the gentleman is now striving for on the floor of the House. When the full committee met, the bill was amended to do away with the amendment that the gentleman is trying to offer and there was substituted for it the bill that prevails here now. I want the gentleman to know that the subcommittee was in accord with what the gentleman is asking for in his amendment.

Mr. CARRIGG. That is exactly true. I would like to explain to the members of the committee that at the time the subcommittee met, Congressman BONIN and I appeared before that committee as witnesses. And I know that our thoughts were concurred in by Congressman BUSH of Pennsylvania. As a result of that testimony, the subcommittee did strike this section from the bill. It was only a few days ago when the full committee met that it was put back in the bill, and I think that perhaps it was put back through some misapprehension.

I certainly feel that those on our side at least from the State of Pennsylvania concur with me wholeheartedly and I think every member of this delegation from Pennsylvania will also concur with me wholeheartedly because, if this amendment does not prevail, the State of Pennsylvania is due to lose a judge and we cannot afford it. Therefore I ask you, in all sincerity, to support this amendment.

Mr. WALTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if this amendment was proper during the two Democratic administrations when it was offered, and approved in the committee, it is just as proper today.

The State of Pennsylvania does not lose a judge at all. What we do is to provide by this language that upon the death, resignation, or removal of a judge in the middle district, where this judge resides, he shall then become the district judge in the middle district. That is the law. If we do not do this, then the people in the middle district of the State—and part of my congressional district is in the middle district of Pennsylvania. I have just as great an interest in it as you gentlemen who have been trying to change the law—would be confronted with the same situation that exists now in the eastern district.

I could play a very dirty trick on you Republican Members of Congress by permitting this amendment to be adopted, because within a matter of minutes the Bar Associations in Harrisburg, Wilkes-Barre, and Scranton would all be coming along with their candidates and somebody would be disappointed.

All of the trouble that we have in our State stems from the fact that the vacancies that we have, have not been filled; that is No. 1. No. 2, that old judges will not retire. We can do nothing about that. Now we are confronted with a very practical situation.

This language was in the Senate bill. Leave it in this bill. It is true the subcommittee did not have it before it; that is my fault. I was unable to testify when the subcommittee met because the Subcommittee on Immigration happened to be meeting at that time and I did not have an opportunity to discuss this. But when I did discuss it with the full committee the full committee agreed to reinstate the language in the bill as it came to us from the Senate.

I ask you to adopt this amendment.

Mr. GRAHAM. Mr. Chairman, I rise in support of the amendment; and I want to say to you that what my colleague has said is absolutely true.

I differ sharply, however, with the gentleman from Pennsylvania [Mr. WALTER]. I witnessed the whole performance. I know what went on. I am asking you to support this amendment.

Mr. SCOTT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I was shocked and amazed to hear the gentleman from Pennsylvania on the other side of the aisle say this will not cost the State of Pennsylvania one judge. Aware of the law as he is, learned and able lawyer that he is, respected as he is in this House, it is amazing, it is beyond understanding how any such statement could be made which has not the remotest connection with the statements which appeared in the act and which we are trying to correct in this amendment, because, on the occurrence of a vacancy in that district—and this does not affect my part of Pennsylvania at all, I am just trying to clarify the record—upon the occurrence of a vacancy in that district the present roving judge takes the permanent job and the roving vacancy is gone and we lose a judge.

While you are increasing the judicial membership of the Federal bench around this country to take care of increased business, for goodness' sake do not take one judge from Pennsylvania where we need it and where the working subcommittee gave the greatest and most careful attention to it. What we are trying to do here is keep this very much needed judgeship.

Mr. BONIN. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. BONIN. Is it not a fact that this judge at the present time has been spending about 90 percent of his time in either the eastern or western district of Pennsylvania and only a very short portion of his time in the middle district?

Mr. SCOTT. That is very much in accord with my understanding, that the work in the eastern and western districts of the State has called on this roving judge for a great percentage of his time, yet the middle district really needs his services very much. Not only that, but by this bill they would be deprived of the services not of an additional judge but of the roving judge who becomes a permanent judge.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. FULTON. Is it not a fact that the district courts of Pennsylvania are so far behind in their work that it is almost impossible to get justice?

Mr. SCOTT. I know there is a tremendous backlog.

Mr. FULTON. It is so great that in the eastern district of the State they are 40 months behind in some classes of cases, and it is almost impossible to get to civilian cases.

Mr. SCOTT. The gentleman is correct. It is a situation that has existed there for a very long time; it is not a situation that has developed during the year 1953.

Mr. LANE. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. LANE. In the bill before us we are giving two judges to Pennsylvania.

Mr. SCOTT. I am also aware of the fact that originally it was intended to give four judges to the very large populated State of Pennsylvania, plus retention of this judge. You are cutting us down from 5 to 2. We think even from 5 to 3 is too much of a cut.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. CARRIGG].

The question was taken; and on a division (demanded by Mr. WALTER) there were—ayes 62, noes 83.

Mr. CARRIGG. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. BENDER. Mr. Chairman, I have prepared an amendment providing for two additional judges for Ohio which I will not present. The Senate, in the bill passed some time ago, provided for 2 judges, while the bill now under consideration provides for only 1. Regarding the Ohio situation, we have four judges now in the northern district. Three of them are Democrats, and one is a Republican, and not a single judge on that bench is a loafer or an octagenarian. They are all hardworking men, earning their pay and doing a full day's

work. I respect the lawyers who are members of this committee, and I am sure they will all agree that Ohio now has two of the most brilliant lawyers in America—members of the United State Senate. The Senate, the majority leader of which is BOB TAFT, passed this bill. The action of the Senate was referred to in the debate today by a Democratic member of the Rules Committee. He remarked that the Senate in previous Congresses had killed most of the judicial bills; however, the Senate in the 83d Congress acted promptly on this measure. BOB TAFT and JOHN BRICKER are aware of the need as is every Republican and Democratic lawyer in northern Ohio.

The Democratic Party, the Republican Party, the newspapers, the bar associations, civic organizations—in fact, practically every responsible organization in the State is supporting this measure for two judges. Both Senators from Ohio asked me to interest myself in this legislation. Of course, I am not a lawyer, but when two good men—Members of the Senate of the United States—with years of experience in the courts indicate the need, I am greatly impressed. I trust that the House Conferees will restore the additional judge that was voted by the Senate at the request of BOB TAFT and JOHN BRICKER.

Many proposals to increase the number of Federal judgships come before the Congress at each session, and the Members of Congress wisely regard each of these with a view to the long-range effect of such measures. The volume of litigation and the complexity of legal actions vary from time to time and from court to court, and the establishment of a permanent addition to any Federal judicial service therefor must proceed with the utmost caution.

These observations are offered by way of preface to my own advocacy of the legislation which provides for the addition of two judgships to the Federal District Court of Northern Ohio, because the facts justify this increase as a permanent measure.

At the present time, there are four judges in the northern district of Ohio. Three of them serve the eastern division of this area meeting at Cleveland and one serves the western, meeting at Toledo.

The problem is particularly acute in the eastern division, where the backlog of pending cases is constantly rising. On January 1, 1952, 1,249 civil cases were pending before the division. By January 1, 1953, the number had risen to 1532, and by April 30, 1953, the figure was 1607.

The number of cases filed per judgeship throughout the Nation averaged 236 in 1952. In this eastern division of northern Ohio, the average for 1952 was 374 cases filed per judge. In the period from May 1, 1952 to April 30, 1953, there were 383 cases per judge.

It is, of course, not sufficient to substantiate the argument in favor of the pending proposal by a mere recital of statistics. The complexity of cases normally filed before a court is a most important factor in the analysis of time-consuming work. As of May 22, 1953, 10 major civil antitrust cases and 2 criminal antitrust cases brought by the United States of America were pending. These cases had been filed at periods from 1946 through 1952.

To indicate the growing pressures upon this court, it is important to realize that the incumbents have been making a determined effort to reduce the backlog of pending cases. From October 1, 1952, to April 30, 1953, two judges worked almost exclusively on the trial and disposition of civil jury cases while the third judge devoted his full time to the criminal docket. In April, all three judges worked on the civil jury calendar. In spite of their strenuous work in disposing of 127 cases in this month, the backlog mounted steadily.

On October 1, 1952, 547 civil cases were ready for trial; on May 22, 1953, there were 796 of such cases, representing an increase of 46 percent.

It is evident that the increased volume of litigation and the mounting workload per judge make it impossible for the court in this area to keep abreast of the docket. It is obviously even more difficult for the court to reduce the backlog or to speed up the trial of cases under the prevailing circumstances.

These are the considerations which have influenced every bar association which has considered the problem in the communities served by this court to recommend this increase of judges in this court.

Nothing is more important to the judicial process than the prompt consideration of cases brought before the courts. At the present time, this basic need is not being adequately met by the District Court of the Northern District of Ohio solely because there are not enough judges in the court. I hope sincerely that the conferees will act favorably upon this proposal to alleviate the shortage and to meet the growing problem promptly.

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT:
On page 23, after line 6, insert:

"(12) The first paragraph of section 4 of the act approved June 6, 1900 (31 Stat. 322; title 48, U. S. C., sec. 101), as amended, is amended to read as follows:

" 'There is established a district court for the District of Alaska with the jurisdiction of district courts of the United States and with general jurisdiction in civil, criminal, equity, and admiralty causes; and five district judges shall be appointed for the district, each at an annual salary of $15,000. The court shall consist of four divisions, which shall also be recording divisions. Two of the judges of the court shall be assigned by the President to the third division and one each shall be assigned by the President to the first, second, and fourth divisions. During the terms of office these judges shall reside in the divisions of their district to which they may be respectively assigned'."

And in line 7 on page 23, change "(12)" to "(13)."

Mr. BARTLETT. Mr. Chairman, three times in the past the Committee on the Judiciary has approved an extra judge for Alaska. Once the House approved. The other body approved this year and in the past. What is the difference between then and now? Only this. The population of the third judicial district where the judge would be stationed has grown with rapidity. Alaska is a creature of the Congress. Alaska's judicial system is at the will and the whim of the Congress. It has been mentioned here that Alaska does not have a large population, and that is correct, but our judicial establishment is given to us by the Congress and we can do nothing about it. It is not as if we had subordinate territorial courts. We have United States commissioners and we have United States district judges, and we have nothing else. Alaskans are American citizens, and American citizens living under the American flag, on American soil, are entitled to American law.

Reference was made, Mr. Chairman, to the population of Alaska being 100,000. I have some very interesting figures before me in that connection, figures that were released only July 22 of this year by the United States Bureau of Census. They are current population estimates for the period from 1950 to 1952. They demonstrate that the population of Alaska in the 2-year period grew at the rate of 41.3 percent, a much greater rate of growth than anywhere else in the United States. Next was Nevada with a growth of 14.6 percent. For the first time Alaska's population surpasses the population of the lowest populated State. We need this additional judge, Mr Chairman, and I hope the amendment will be accepted.

The CHAIRMAN. The question is on the amendment offered by the Delegate from Alaska.

The amendment was rejected.

Mr. TOLLEFSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TOLLEFSON: On page 16, line 20, after the comma, insert "one additional district judge for the western district of Washington" and insert a comma after the word "Washington."

Mr. TOLLEFSON. Mr. Chairman, I appreciate the lateness of the hour and also the temper of the House. I recognize that the possibility of the Committee's accepting the amendment is remote. Nonetheless, I would be derelict in my responsibility to the people of my State if I did not endeavor to obtain an additional district judge for the western district of Washington, because it sorely needs one.

The report of the committee does not indicate the need of the western district of Washington for a judge. Let me say that while the population increase for the State of Washington during the period from which the facts are drawn was about 42.5 percent, that does not represent the true situation with respect to the western district of Washington, where the greatest increase of population took place during the period between 1940 and 1950.

Mr. HOLMES. Mr. Chairman, will the gentleman yield?

Mr. TOLLEFSON. I yield to the gentleman from Washington.

Mr. HOLMES. I congratulate the gentleman from Washington on offering this amendment, and want to associate

myself with him in support of the amendment.

Mr. TOLLEFSON. I thank the gentleman.

The population increase in the western district of Washington would probably be closer to 50 percent. As a matter of fact, the population in my district increased for the 10 years from 1940 to 1950 by 62.5 percent. I am reading from the Senate report. May I say incidentally that the Senate bill contained an additional judge for the western district of Washington. That report shows that the total civil cases pending on June 30, 1941, were 355, but as of June 30 of this year the cases pending jumped to 617, almost double. The cases in which the United States was a party jumped from 225 in 1941 to 396 as of this year. The private civil cases pending jumped from 130 in 1941 to 221. So the number of cases unfinished and pending has almost doubled in the western district of Washington.

It is interesting to note that the House Committee on the Judiciary provided an additional judge for the western district of Washington in the 82d Congress. May I ask any one of the members of the Judiciary Committee who served on that committee in the 82d Congress if that additional judge was placed in the bill which was then reported on the basis of the need? I would like to have some member of the committee answer that question.

I noticed in the comments made by the gentleman from Massachusetts [Mr. LANE] earlier that some of the judges were eliminated from the Senate bill not on the basis of need at all. Am I correct in that interpretation of what the gentleman said?

Mr. LANE. May I answer the gentleman by saying that your Committee on the Judiciary is satisfied that all of these judges are needed, and most of them that are in the Senate bill are needed. There are a few in the Senate bill that we felt are not needed. I dare say that as to the particular matter to which the gentleman refers, which has come before us several times now, we felt there was a need in his district, but we felt that we should reduce the number of judges as much as possible in order to get this bill through the Congress.

Mr. TOLLEFSON. In other words, it is safe for me to assume that the need exists for an additional judge in the western district of Washington, and that need must have existed a couple of years ago, when the Judiciary Committee put it in their bill. The only difference is that the need is greater now than it was then. For instance, the total cases pending as of June 1952 was 508, but as of June of this year it had risen to 617, so if there was need last year or the year before certainly there is more need now for an additional judge.

As I said at the outset, I appreciate the temper of the Committee, and perhaps this is a futile gesture, but I would be derelict in my responsibility if I did not seek to obtain an additional district judge. We needed it 2 years ago and we need it more now. I trust the Committee will give it consideration.

Mr. JONAS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. TOLLEFSON. I yield.

Mr. JONAS of Illinois. How many district judges has Washington now?

Mr. TOLLEFSON. Three, and we have had three for a great many years, despite the fact that our population has increased by almost a million people.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. TOLLEFSON. I yield to the gentleman from Washington.

Mr. PELLY. I want to compliment the gentleman on pointing out this very serious situation in the workload we have for our judges. While I do not expect the gentleman's amendment will prevail, I do hope the Judiciary Committee will give sympathetic consideration to our need in the future. I compliment the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. TOLLEFSON].

The amendment was rejected.

Mr. HALLECK. Mr. Chairman, I ask unanimous consent that all debate on the bill, and all amendments thereto, close in 20 minutes.

Mr. FRAZIER. Mr. Chairman, I object.

Mr. HALLECK. Mr. Chairman, I move that all debate on the bill, and all amendments thereto, close in 20 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana [Mr. HALLECK].

The motion was agreed to.

Mr. WALTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALTER: On page 23, line 19, after the word "judges" insert "hereafter appointed."

Mr. WALTER. Mr. Chairman, earlier today when the Consent Calendar was called, a bill was passed and a Senate bill substituted therefor under the terms of which a judge is required to live at a place where the principal part of his business in the court is to be transacted. It seems to me that very adequately deals with that situation. But here the amendment I offer is to a section which permits the judicial council to tell a judge where he is to live. It certainly seems to me that is an unwarranted delegation of power. I do not think any group of judges should be authorized to tell a district court judge, "You shall not live in Camden, but you have to live in Atlantic City." What we did in the bill which we passed earlier today was to provide that the judge has to live where the principal business of the court is transacted, and it certainly seems to me that is as far as we ought to go. But if we are going as far as it is proposed to go in this bill, it seems to me the least we could do would be to make the provision applicable only to those judges hereafter appointed. Because if this is applicable to judges hereafter appointed, then when the judges accept the appointment, they know there is a possibility that they may be required to dig up their roots and plant them somewhere else. What is provided for in this bill, I think, is an unwarranted delegation of power.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. HARDY. I subscribe to what the gentleman has said. The gentleman from Virginia [Mr. SMITH] expressed a similar approach to this problem earlier today. It certainly would be unfair to make this apply to judges who have for a long time been living in a particular location. If the provision is made applicable to a new appointee, then no particular hardship would be involved, but if you make it possible to uproot a man who has been living in a particular location for a long period of time and force him to move somewhere else, I do not think that ought to be done.

Mr. WALTER. At least the authority to do that ought not be delegated to some other man.

Mr. HARDY. I think the gentleman is absolutely correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALTER].

The question was taken; and on a division (demanded by Mr. WALTER) there were—ayes 69, noes 78.

Mr. SMITH of Virginia. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. JONAS of Illinois and Mr. WALTER.

The Committee again divided; and the tellers reported that there were—ayes 103, noes 97.

So the amendment was agreed to.

Mr. MEADER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEADER: Page 21, line 1, insert immediately before "Lapeer" the following: "Jackson"; and on page 21, line 14, strike out "Jackson."

Mr. MEADER. Mr. Chairman, the Subcommittee on the Judiciary transferred the county of Jackson in the Second Congressional District, which I have the honor to represent, from the Eastern Federal Judicial District of Michigan to the western district. The court of the eastern district, southern division, is at Detroit, Mich., approximately 75 miles distant from the city of Jackson. The Federal Court for the western district is at Grand Rapids, approximately 100 miles distant from Jackson.

Wholly aside from the distances involved, the means of transportation from Jackson to Detroit are far better than those between Jackson and Grand Rapids. This is true of the highways as well as train, bus and plane services. This, of course, also means that mail service between Detroit and Jackson is better than between Jackson and Grand Rapids.

In addition to the matter of convenience in traveling to and from the Federal district court, and probably more important, is the fact that the industrial plants in Jackson County are far more closely connected with the automotive industry centered in the eastern district of Michigan than they are with the furniture industry located in Grand Rapids.

When I learned of the intention of the subcommittee to move Jackson from the eastern to the western judicial district, I immediately sought to determine the sentiment in Jackson, particularly among the members of the bar, concerning this proposed transfer. The results of my survey can best be summarized in the following telegram received from the president of the Jackson County Bar Association:

JACKSON, MICH., *July 29, 1953.*

Hon. GEORGE MEADER,

United States House of Representatives:

In regards to the proposed changes in Federal Court in this district a sampling of opinion of the Jackson County Bar indicates satisfaction with the present location of the court in Detroit.

GEORGE R. CAMPBELL,
President of the Jackson County Bar Association.

For the above reasons I ask that my amendment be adopted.

Mr. JONAS of Illinois. Mr. Chairman, we will accept the amendment.

The CHAIRMAN. Without objection the amendment is agreed to.

There was no objection.

Mr. BAKER. Mr. Chairman, I have two amendments to offer, and I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the amendments as follows:

Amendment offered by Mr. BAKER: Page 20, line 17, after "the" strike out "middle district" and insert "eastern, middle, and western district."

Amendment offered by Mr. BAKER: Page 20, line 18, after "in" strike out "said district" and insert "any of the said districts."

Mr. BAKER. Mr. Chairman, this amendment asks less of the House than the committee gave Tennessee. At present there are four district judges in Tennessee. The bill as it was passed by the Senate provided an additional judge and a temporary judge for middle Tennessee alone. The two amendments I have offered would make the temporary judge a roving judge for the entire State and the first one of the 4 district judges who died, retired or resigned would be immediately replaced by this temporary judge and you will have one less judge.

I cannot see why any Member would oppose these amendments. As stated by one Member earlier in the afternoon, populations change and shift. At present the heaviest workload is in the middle district because of the sickness of the district judge for some time. I understand he is much better now and is carrying on his work. He is a year or 2 behind and would have to work a year or 2 to catch up.

But the big industries, the war plants, defense plants, TVA, Oak Ridge, and everything of that sort is in east Tennessee. Why limit this? Why not let the judge have jurisdiction all over Tennessee, then when 1 of the 4 judges dies or retires he can take his place.

Mr. MILLER of New York. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from New York.

Mr. MILLER of New York. As a member of the subcommittee, I support the gentleman.

Mr. BAKER. It just seems to me there is every reason in the world for adopting my amendments and no reason for defeating them; therefore I ask the Committee to approve these amendments.

Mr. JONAS of Illinois. Mr. Chairman, I want to point out that the gentleman who spoke in favor of the amendment may have overlooked the fact that in the district to which this now applies there is already a sitting judge. The bill in its present form would confine that judge to the middle district while the gentleman's amendments would permit the judge to serve in the western, middle, and eastern districts of Tennessee. I cannot see any particular objection to the amendment. However, I am voicing my own opinion, and am not speaking for the committee.

Mr. FRAZIER. Mr. Chairman, I rise in opposition to the two amendments offered by the gentleman from Tennessee [Mr. BAKER].

(By unanimous consent, the time given to Mr. MURRAY was yielded to Mr. FRAZIER.)

Mr. FRAZIER. Mr. Chairman, twice the Senate of the United States has passed a similar bill creating a temporary judgeship for the middle district of Tennessee, twice the Judiciary Committee of this House has recommended a temporary judgeship for the middle district of Tennessee to relieve the existing judge there who has been sick for the past 5, 6, or 7 years.

The judicial conference has reported and recommended a temporary judgeship for the middle district of Tennessee. Never before in the considerations of this body or the Senate has a roving judge for Tennessee been considered. Until the present time no one has asked for a roving judge for Tennessee.

They do not need a roving judge in Tennessee; they need a temporary judge in the middle district of Tennessee, where some six or seven hundred civil cases are piled up and have not been tried, and where some three or four hundred criminal cases are now pending. There are two Federal judges in the eastern district of Tennessee. There is no load there to be met. There is no caseload in the western district of Tennessee. The only trouble we have in Tennessee is middle Tennessee. I urge you Members to vote for this temporary judgeship in the middle district of Tennessee because that is where the workload is; that is where we need help.

Mr. JONAS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FRAZIER. I yield to the gentleman from Illinois.

Mr. JONAS of Illinois. I am assuming that the gentleman and his colleagues know more about the situation in Tennessee than the members of the Committee, and in taking the position I did I was neutral in the matter. This roving judge would be one who would have dominion over the three districts, as I understand.

Mr. FRAZIER. Yes.

Mr. JONAS of Illinois. And the gentleman from Tennessee is opposed to that.

Mr. FRAZIER. I am opposed to it, and I am opposing the amendment. I want a temporary judgeship for the middle district of Tennessee, where they need it.

Mr. REECE of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. FRAZIER. I yield to my colleague from Tennessee.

Mr. REECE of Tennessee. What objection can be raised to making the additional judge a roving judge for the three districts in the State?

Mr. FRAZIER. Well, of course, the gentleman has not taken me into his confidence. I do not know why he wants a roving judge.

Mr. REECE of Tennessee. Assuming he would be available to serve in each of the three districts of the State, what objection could there be?

Mr. LANE. Mr. Chairman, will the gentleman yield?

Mr. FRAZIER. I yield to the gentleman from Massachusetts.

Mr. LANE. Is it not true that this language is similar to the Senate bill?

Mr. FRAZIER. It is the same as passed by the Senate.

Mr. LANE. And is it not also a fact that in the last Congress we voted a judgeship for the middle district of Tennessee, after going over the entire case load of the State of Tenneseee?

Mr. FRAZIER. That is correct, and the Senate also passed the same bill at the last session.

Mr. REECE of Tennessee. The gentleman referred to my not having taken him into my confidence. Neither did Senator KEFAUVER when he inserted that provision in the Senate bill.

Mr. FRAZIER. I am not falling out with my good friend. I am just telling the Members of the House that we need this temporary judgeship in middle Tennessee and we do not need it in west Tennessee and we do not need it in east Tennessee where we already have two judges.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

The Chair recognizes the gentleman from Tennessee [Mr. PRIEST].

Mr. PRIEST. Mr. Chairman, like my distinguished colleague from the Third District, the gentleman from Tennessee [Mr. FRAZIER], who has just addressed the Committee, I am always reluctant to find myself in disagreement with both of my east Tennessee colleagues, the gentleman from the First District [Mr. REECE], and the gentleman from the Second District [Mr. BAKER]. I think this question should be decided on the basis of what the facts in the case are, of the need. The bill provides that there shall be a temporary judge for the middle district of Tennessee. The middle district of Tennessee is unquestionably the place where a judge is needed. That happens to be my home. The district court is quartered in Nashville. I am familiar with the caseload. I am familiar with the backlog on the docket. I am personally familiar with the illness that

has caused Judge Davies to fall so far behind on clearing the docket in that court. I believe that there is a great need for a temporary judge. I am aware that there are two district courts in east Tennessee, I believe one in the district represented by the gentleman from Tennessee [Mr. BAKER], and the other with headquarters in the district represented by my friend, the gentleman from Tennessee [Mr. REECE]. I understand from all of the investigation I have made that there is no backlog in either of the east Tennessee courts. I understand also that there is no backlog in the west Tennessee courts. It seems to me, therefore, that the logical thing to do is to follow the recommendation of the committee and adopt this provision for a temporary judge for the middle district, and when there is a vacancy in that district then it will not be filled, leaving the total number still at four.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. EVINS].

Mr. BAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. EVINS. I yield to the gentleman from Tennessee.

Mr. BAKER. Is it not true that the other judge in east Tennessee is in the district represented by the gentleman from Tennessee, Mr. FRAZIER?

Mr. EVINS. I will say to the gentleman that that is considered east Tennessee.

Mr. BAKER. He said it was in the district of the gentleman from Tennessee [Mr. REECE].

Mr. EVINS. Therefore, we have two judges for east Tennessee, where the caseload is not heavy, and we have only one judge for middle Tennessee, where the caseload is tremendously heavy and where the great need exists.

I want to say to my friend that I have been consistent in my position on this all along. For the past 4 years I have been advocating a judge for middle Tennessee, where the caseload is great. As the gentleman has said, although the population may be heavier in east Tennessee, the cases are in the courts in middle Tennessee. There are more than 300 condemnation cases at the present time and more than 300 civil cases pending at this time. These condemnation cases have arisen as the result of the Center Hill Dam, the reservoir being in that area, and also the Dale Hollow Dam. The Arnold Engineering Air Center also adds to the heavy condemnation caseload. While we may refer to one case, often there are 25 tracts of land involved in one particular case. So the lawyers in my section and the litigants have for some time been appealing to me to bring relief for middle Tennessee. While I feel that a judge would be helpful anywhere in Tennessee, I particularly favor the one for middle Tennessee, and I hope the Committee will adopt the provision as it exists in the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS of Tennessee. Mr. Chairman, I have the greatest affection for my colleagues from Tennessee, CARROLL REECE and HOWARD BAKER, but I happen to represent the largest division in the State of Tennessee, with the largest city. This may surprise some of you lawyers, but the docket in the western division of Tennessee is current. In other words, the judge is absolutely up with his work. We simply do not want a roving judge roving around that district where we are in such good shape already. That is it in a nutshell.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Tennessee. I yield to my colleague from Tennessee.

Mr. COOPER. I am sure my colleague will agree with me that in the western district of Tennessee we have a very able, efficient, and industrious judge, who keeps his docket current, with no backlog of cases. All of our information is that a roving judge is not needed in the western district of Tennessee.

Mr. DAVIS of Tennessee. The gentleman is entirely correct.

Mr. REECE of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Tennessee. I yield.

Mr. REECE of Tennessee. The gentleman's apprehension about having a roving judge come into east Tennessee is not based on the fact that he might be contaminated if he got up there among the Republicans, is it?

Mr. DAVIS of Tennessee. Oh, no; we will take our chances on that.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Tennessee [Mr. BAKER].

The question was taken; and on a division (demanded by Mr. BAKER) there were—ayes 61, noes 96.

So the 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.

According the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Wisconsin, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 15) to provide for the appointment of additional circuit and district judges, and for other purposes, pursuant to House Resolution 367, 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 third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The bill was passed, and a motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries.

AUTHORIZING THE SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that it be in order at any time during the remainder of this week for the Speaker to entertain motions to suspend the rules notwithstanding the provisions of clause 1, rule XXVII.

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

Mr. RAYBURN. Mr. Speaker, reserving the right to object, does the gentleman contemplate that a bill dealing with a matter as important as the national debt limit may be taken up under suspension of the rules?

Mr. HALLECK. As the distinguished gentleman from Texas knows, he and I discussed this matter with the Speaker, and I think it is our understanding we will discuss any proposed suspensions and so far as I am concerned, if the gentleman from Texas raises objection to any particular matter being taken up under suspension of the rules, it would not be called up.

Mr. RAYBURN. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. HALLECK]?

There was no objection.

NATIONAL DEBT LIMIT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. No. 220)

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Ways and Means, and ordered to be printed:

To the Congress of the United States:

The administration in cooperation with the Congress has moved promptly and vigorously to reduce earlier recommendations for appropriations for the fiscal year 1953–54 by about $13 billion and to reduce the prospective deficit by about one-half.

However, operations for the fiscal year just ended have produced a deficit of $9.4 billion. In addition, the Government, on June 30, was faced with $81 billion of appropriations authorizing expenditures for which the money must be provided as the bills are presented from time to time.

Despite our joint vigorous efforts to reduce expenditures, it is inevitable that the public debt will undergo some further increase.

On June 30 last the public debt was $266 billion. To meet the Government's cash requirements for this current quarter it was necessary to borrow over $6 billion in July, bringing the national debt now to over $272 billion. To meet necessary expenditures and to maintain a safe working balance of funds it will be necessary to borrow more money before the next session of the Congress. This will carry the debt above the present legal limit of $275 billion. Under present circumstances, the existing statutory debt limit is so restrictive that it does not allow the financial operating leeway

necessary to conduct the Government's fiscal affairs effectively. This is specific with respect to the seasonal variations of Federal receipts and disbursements and also in view of the uncertainty as to future income and expenditure levels.

I must, therefore, request of the Congress legislation raising the statutory debt limit. It is my recommendation that the limit should be increased to $290 billion.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *July 30, 1953.*

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to insert a statement in the RECORD with reference to our fiscal affairs, in support of the extension of the debt limit, following the message from the President.

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

Mr. EBERHARTER. Mr. Speaker, reserving the right to object, this message may be very important. I take it that it refers to the question of the debt limit.

The SPEAKER. Does the gentleman object to the request of the gentleman from New York?

Mr. EBERHARTER. Mr. Speaker, the statement refers to the matter of raising the debt limit above $275 billion.

Mr. Speaker, the Ways and Means Committee is being asked to meet at 8:30 in the morning. At that time the members of the Ways and Means Committee will not have available the CONGRESSIONAL RECORD to know what is contained in this statement.

I want to ask the gentleman from New York whether or not the Members will be supplied with that statement in time to read it.

Mr. REED of New York. The gentleman will have the same statement that I am putting in the RECORD. It was presented to the group that was at the White House this morning, and I am sure that the leaders on his side have had the benefit of it. I am putting it in the RECORD so that the Members may have it tomorrow. Also, I expect to distribute it before the RECORD will be distributed to the Members in the morning.

Mr. EBERHARTER. I thank the gentleman for his explanation.

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

There was no objection.

Mr. REED of New York. Mr. Speaker, I am inserting a statement presented by the administration in support of an increase of the Federal statutory debt limit:

JULY 28, 1953.

THE NEED FOR RAISING THE STATUTORY LIMIT ON THE FEDERAL DEBT

1. The fiscal year 1953 recently ended with a budgetary deficit of $9.4 billion and with the total Federal debt at $266 billion.

2. The 1954 budget, as published and presented to the Congress in January, included an estimate that the total public debt at the end of the fiscal year 1954 would be $274 billion. There was no indication of what could happen with relation to the statutory debt limit within the 1954 fiscal year.

(It should be noted that the Federal debt subject to the statutory debt limit is about $500 million less than the total Federal debt.)

The action of the Mills plan (in the Revenue Act of 1950) which provides for the payment of the larger part of corporate taxes during the first 6 months of the calendar year (the last 6 months of the fiscal year) is such that the total Federal debt under the January budget undoubtedly would have exceeded the statutory debt limit at some time during the last half of the calendar year 1953 (the first half of the fiscal year 1954).

Moreover, the fiscal year 1953 deficit turned out to be $3.5 billon more than was estimated in the January submission of the 1954 budget, and was a larger amount than was allowed for in estimating the total Federal debt at the end of the 1954 fiscal year. Therefore, based on the January estimate, the Federal debt on June 30, 1954, inevitably would exceed the present statutory debt limit. (Chart: Comparison of debt estimates.)

3. Estimates of the total Federal debt as of June 30, 1954, do not indicate what will happen to the total debt between the beginning and the end of the fiscal year 1954 (July 1, 1953–June 30, 1954). Present estimates of budget receipts and expenditures indicate that the Federal debt limit will have to be exceeded by December 31, 1953. In fact, the debt already is up to a total of $272 billion as a result of the issuance of $6 billion of tax anticipation certificates by the Treasury on July 15 to cover cash needs during the current quarter. Thus the debt is now only about $3 billion under the statutory limit. (Chart: Public debt outstanding.)

4. Taxes generally are computed and paid on the basis of a calendar year. The Federal fiscal year begins and ends in the middle of the calendar year. The first half of the fiscal year is the last half of the calendar year, and the last half of the fiscal year is the first half of the calendar year.

The Mills plan (in the Revenue Act of 1950) speeded up collections of corporate taxes so as to make a large part of them payable in the first 6 months of the calendar year, which is the last 6 months of the fiscal year. This results in total tax collections being correspondingly low in the last 6 months of the calendar year, which is the first 6 months of the next fiscal year.

In the first half of the calendar year 1953 (the last half of the 1953 fiscal year) the Government collected about three-fourths of the corporation taxes due in the calendar year 1953. This leaves only about one-fourth to be collected in the last half of the calendar year 1953 (the first half of the 1954 fiscal year).

Under the terms of the law, an even larger porportion of the corporation taxes due in the calendar year 1954 will be collected in the first half of that year (the last half of the 1954 fiscal year) and a corresponding lesser amount in the last half of the 1954 calendar year (the first half of the 1955 fiscal year). (Chart: Semiannual budget receipts, 1952–54.)

On the spending side of the budget, the large carryover of commitments against unexpended balances of appropriations means that there will have to be continuing large payments for goods delivered during the fiscal year 1954. This will be for the last half of calendar year 1953, which also is the first half of the 1954 fiscal year, and this is the time when the budget receipts are at their low level. (Chart: Semiannual budget expenditures, 1952–54).

5. Thus, under the Mills plan the pattern of receipts and expenditures of the budget combine to make a budget deficit in the first half of the fiscal year which, over the whole fiscal year, is modified by a surplus of budget receipts in the second half. Because of this circumstance the total of the Federal debt at the end of the calendar year (half way through the fiscal year) can vary considerably from the total debt at the beginning or at the end of the fiscal year. (Chart: Semiannual budget surplus or deficit, 1952–54.)

As a result, it is inevitable that the public debt on December 31, 1953, will be higher than on June 30, 1954. On the basis of the most recent official estimates, the debt on December 31, 1953, will exceed the present statutory limit.

6. Looking ahead to the fiscal year 1955 (July 1, 1954–June 30, 1955), the seasonal pattern of budget deficits and surpluses will be accentuated, regardless of planned reductions in appropriations and expenditures. This will be caused, first, by the terms of the tax law which forces still more of the corporate tax collections into the first half of the calendar year (the last half of the preceding fiscal year), and, second, by an anticipated continuous decline in the rate of expenditure which should lower the level of expenditure in the last half of the fiscal year (the first half of the next calendar year when receipts are at a maximum).

At this time there can be no firm budget estimates for the fiscal year 1955. The outlook for Federal revenues for that year is complicated by the effect of tax reductions under present laws. The tax program governing the revenues for fiscal year 1955 has not yet been completely reconsidered by the Congress. However, if it is assumed that the budget can be balanced for the fiscal year 1955, the first half of the fiscal year (the last half of the calendar year 1954) will show a substantial budget deficit and a public debt well over the present $275 billion statutory limit. (Chart: Public debt outlook.)

7. Revenues and expenditures cannot be forecast precisely. Actual revenues will depend on the tax laws in effect and the level of economic activity. Despite planned expenditure reductions, certain types of expenditure programs, like agricultural price supports, could cause offsetting increases in expenditures.

The uncertainty in receipts is emphasized by the fact that actual receipts in the last fiscal year were $3.5 billion below the estimate made last January. The May estimate of receipts for the current fiscal year, amounting to $68.5 billion, has not been revised, in spite of the disappointing collections in March and June. A reexamination of that estimate is now in process. The recent experience shows that to be conservative a margin of at least $1 billion for errors in estimates of receipts should be allowed over the next 6 months.

Expenditures are also subject to large and unexpected fluctuations. Last January, for example, expenditures by the Commodity Credit Corporation were estimated at $803 million for the fiscal year ending in June. Expenditures actually amounted to $1,888,000,000. The increase of over a billion dollars was largely due to the increased and unforeseen need for agricultural price support. A margin of at least $1 billion should also be allowed for unexpected expenditures.

If receipts run below and expenditures run over the estimate, the debt would rise $2 billion above the figures shown on the chart.

8. Under present circumstances, the existing statutory debt limit is so restrictive that it does not allow the financial operating leeway necessary to conduct the Government's fiscal affairs effectively. This is specific with respect to the seasonal variations of Federal receipts and disbursements and also true in view of the uncertainties as to the future tax program and expenditure levels.

COMMITTEE ON ARMED SERVICES

Mr. SHAFER. Mr. Speaker, I ask unanimous consent that the conferees on H. R. 5728 have until midnight tonight to file a report.

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

There was no objection.

TO INCORPORATE THE NATIONAL SAFETY COUNCIL

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1105) to incorporate the National Safety Council, with House amendments thereto, insist on the House amendments, and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. ROBSION of Kentucky, HYDE, and FEIGHAN.

TO LIQUIDATE THE PUERTO RICO RECONSTRUCTION ADMINISTRATION

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 98 authorizing and directing the Secretary of the Interior to liquidate the Puerto Rico Reconstruction Administration.

The Clerk read the title of the joint resolution.

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

There being no objection, the Clerk read the Senate joint resolution, as follows:

Whereas the Puerto Rico Reconstruction Administration was established as an agency of the Department of the Interior by Executive Order No. 7057 of May 28, 1935, under authority of the Emergency Relief Appropriation Act of 1935, "to initiate, formulate, administer, and supervise a program of approved projects for providing relief and work relief and for increasing employment within Puerto Rico"; and

Whereas, from 1935 to 1942, the Puerto Rico Reconstruction Administration engaged in activities such as health, sanitation, urban, and rural housing, demonstration farming, public works, work relief, construction of hydroelectric plants and distribution lines, development of home and heavy industry, loans to farmers and cooperatives, and research; and

Whereas, since 1942, the Puerto Rico Reconstruction Administration has engaged in no new acttivities and it has been primarily concerned with management of rural and urban housing projects, including the collection of rents, mortgage installments and notes, and maintenance and repairs to buildings, collection and servicing of loans to cooperatives, and operation of a coffee plantation and coffee processing plants; and

Whereas the act of February 11, 1936 (49 Stat. 1135), established a revolving fund out of which the activities of the Puerto Rico Reconstruction Administration have been financed, directed that said funds remain available until the Congress should otherwise provide, and authorize the continuation of any agency established to administer that fund as long as the fund remained available for expenditures; and

Whereas the purposes for which the Puerto Rico Reconstruction Administration was created have long since been accomplished and the activities in which it is now engaged are costly to the United States, are to some extent in competition with private enterprise, and are of such a nature that they could and should be taken over by private capital or by agencies of the Commonwealth of Puerto Rico; and

Whereas the Secretary of the Interior and the Comptroller General of the United States have recomended that the Puerto Rico Reconstruction Administration be liquidated forthwith: Therefore be it

Resolved, etc., That the Secretary of the Interior, through such officers, agents, or employees as he may designate, is hereby authorized and directed to liquidate the agency known as the Puerto Rico Reconstruction Administration established by Executive Order No. 7057 of May 28, 1935, in accordance with the terms of this joint resolution.

SEC. 2. Disposition of all property of the Puerto Rico Reconstruction Administration, pursuant to the terms of this joint resolution, shall be completed within 18 months from the date of enactment of this joint resolution, and all functions and activities of the Administration shall cease by that date.

SEC. 3. The authority contained herein to liquidate the Puerto Rico Reconstruction Administration shall include authority to sell, transfer, or otherwise dispose of, upon such terms and at such discounts as the Secretary of the Interior may deem advantageous to the United States, all property, real, personal, or mixed, and any interest in or control over such property, owned by the Puerto Rico Reconstruction Administration, or owned by the United States and under the administrative jurisdiction of the Puerto Rico Reconstruction Administration. Such sale, transfer, or other disposition may be made without regard to the provisions of the Federal Property and Administrative Services Act of 1949, as amended. Disposition of the properties may be made to private individuals, or associations of individuals: *Provided*, That the Secretary of the Interior shall in all instances offer first opportunity to persons living in, on, or in the vicinity of the said properties, and the next opportunity to veterans, to acquire them on terms not incompatible with the interests of the United States: *And provided further*, That loans to cooperatives may be transferred for collection to any agency of the United States.

SEC. 4 (a) Effective upon the date of enactment of this joint resolution, all restrictions, not otherwise required by any law of the United States or the Commonwealth of Puerto Rico, imposed by and contained in any deed of conveyance executed prior to that date by the Puerto Rico Reconstruction Administration and as to which all liens enumerated therein have been satisfied or may be satisfied during the period of liquidation prescribed by this joint resolution, shall be null and void and of no effect immediately or upon the satisfaction of said liens, as the case may be, and thereafter the owner of property described in any such deed may use, transfer, mortgage, lease, sell, or otherwise encumber or dispose of said property without regard to such restrictions.

(b) The Puerto Rico Reconstruction Administration shall not impose, in any deed of conveyance executed by it during the period of liquidation prescribed by this joint resolution, any restrictions except such restrictions as may be required by the laws of the United States or the Commonwealth of Puerto Rico.

SEC. 5. There shall be deposited in the Treasury of the United States, as miscellaneous receipts, (a) any and all proceeds from the sale, transfer, or other disposition of the properties and interests aforesaid, (b) the balance remaining in the so-called revolving fund established by the act of February 11, 1936 (49 Stat. 1135), after costs of liquidation, salaries of employees, and other similar obligations, are paid, and (c) all sums realized from the liquidation of accounts receivable.

SEC. 6. The Secretary of the Interior is authorized and empowered to do all necessary acts and things in addition to those specifically authorized in this joint resolution to enable him to accomplish the purposes thereof.

SEC. 7. The Secretary of the Interior shall, upon completion of the liquidation as directed by this joint resolution, submit a report thereon to the Congress of the United States, reciting the disposition made of properties and moneys.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MILLER of Nebraska. I move that the proceedings whereby House Joint Resolution 297 was passed be vacated, and that that joint resolution be laid on the table.

The motion was agreed to.

SANTA MARGARITA RIVER, CALIF.

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5731) to authorize the Secretary of the Interior to construct, operate, and maintain certain facilities to provide water for irrigation and domestic use from the Santa Margarita River, Calif., and the joint utilization of a dam and reservoir and other waterwork facilities by the Department of the Interior and the Department of the Navy, and for other purposes.

The Clerk read the title of the bill.

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

Mr. McCORMACK. Mr. Speaker, reserving the right to object, I notice in the report of the committee that under date of October 24, 1951, the Secretary of the Navy, then Dan A. Kimball, vigorously opposed this bill. I also note in the report that on October 5, 1951, William E. Warne, Assistant Secretary of the Interior, at that time for the Interior Department opposed the passage of this bill. I am wondering if the views of the present administration have been ascertained. I am just curious to know, because this concerns Camp Pendleton, where the Government is already paying $1 million for its own water that this very body imposed upon the Navy, an additional $1 million we are paying for the water that the Navy owns—I want to find out now if the present administration has taken a position.

Mr. MILLER of Nebraska. I may say to the distinguished minority whip that the whole proposition has been thoroughly analyzed. I would be very glad to yield to the gentleman from California [Mr. ENGLE] to supply an answer to the gentleman's question.

Mr. McCORMACK. My question was a simple one: Has the present administration, any one of its departments, taken a position on this bill? I notice letters from both the Assistant Secretary of the Interior and the Secretary of the Navy of the last administration, but I see nothing from any department of the present administration.

Mr. MILLER of Nebraska. May I yield to the gentleman from California [Mr. ENGLE]?

Mr. ENGLE. If the gentleman will yield I will be glad to answer it.

Mr. McCORMACK. I may say that the greatest influence upon me would be the gentleman from California.

Mr. ENGLE. I thank the gentleman from Massachusetts and appreciate his remark. Representatives of the Bureau of Reclamation appeared before our committee and testified that they were favorable to this bill, that they could go along with it and that they would construct the project under it. They have not as yet filed a written report. Their testimony is in the record.

Mr. Thomas, the Assistant Secretary of the Navy, appeared and he wanted us to be very sure we were not legislating away any water rights that belonged to the United States Government, and in order to comply with his wishes and make it very plain that we were not doing that we included language which appears on page 5 of the bill, line 25, which states:

Provided further, That neither the enactment of this Act nor anything contained in it nor any action duly taken pursuant to it shall be constructed as an admission by the United States prejudicial to any of its rights, riparian or otherwise, to the storage, diversion, or use of the waters of the Santa Margarita system or as a relinquishment, disparagement, waiver, or abandonment thereof.

In other words, we make it very plain that we are protecting the very situation the Secretary of the Navy was interested in. With that qualification, he said he had no objection to the bill.

Mr. McCORMACK. In other words, the gentleman from California informs the gentleman from Massachusetts that, contrary to the position of the Secretary of the Navy and the Assistant Secretary of the Interior of the last administration, the Interior Department of the present administration, so far as the committee is concerned, has made a favorable recommendation.

Mr. ENGLE. That is right. I regret to say, much as I admire your Dan Kimball, I think he was in error about this legislation the last time.

Mr. McCORMACK. Just one closing observation on that statement: I want the RECORD to show that the present administration favors the passage of this bill. I agree with my friend that the riparian rights of the Federal Government appear to be protected, but I remember well that no funds appropriated last year were to be used for the Justice Department to enforce the rights of the Federal Government in our courts.

I withdraw my reservation of objection.

Mr. JONES of Missouri. Mr. Speaker, reserving the right to object, it looks as if we are going to be here for some time, so I am going to object to consideration at this time.

Mr. MILLER of Nebraska. Mr. Speaker, I had the understanding that if there was any objection to be raised, I would withdraw my unanimous-consent request that the bill be considered at this time. We have a rule on the bill and it can come up, I hope tomorrow, under the rule where the problem can be thoroughly discussed. I will call it up then.

Mr. HALLECK. Mr. Speaker, I do not want to go unnoticed the observation of the gentleman from Missouri that we are going to be here a long time. May I say to him I do not see any reason why we need to be here a long time.

Mr. JONES of Missouri. We will be here tomorrow.

Mr. MILLER of Nebraska. Mr. Speaker, I withdraw my unanimous-consent request. We will take it up tomorrow under a rule already adopted.

FARM CREDIT ACT OF 1953—CONFERENCE REPORT

Mr. HOPE submitted a conference report and statement on the bill (H. R. 4353) to increase farmer participation in ownership and control of the Federal Farm Credit System; to create a Federal Farm Credit Board; to abolish certain offices; to impose a franchise tax upon certain farm credit institutions; and for other purposes.

GOVERNMENT-OWNED RUBBER-PRODUCING FACILITIES

Mr. SHAFER submitted the following conference report and statement on the bill (H. R. 5728) to authorize the disposal of the Government-owned rubber-producing facilities, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 1055)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5728) to authorize the disposal of the Government-owned rubber-producing facilities, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this Act shall be known as the 'Rubber Producing Facilities Disposal Act of 1953'.

"SEC. 2. It is hereby declared that disposal of the Government-owned rubber-producing facilities pursuant to the provisions of this Act is consistent with the national security and will further effectuate the policy set forth in section 2 of the Rubber Act of 1948, as amended (62 Stat. 101, 50 U. S. C. App. 1921), with respect to the development within the United States of a free, competitive, synthetic rubber industry.

"SEC. 3. (a) There is hereby established a Rubber Producing Facilities Disposal Commission, hereinafter referred to as the Commission, to be composed of three persons, to be appointed by the President. Members of the Commission shall be appointed from civilian life and shall receive compensation at the rate of $50 per diem for each day engaged in the business of the Commission, and shall be allowed transportation and a per diem of $9 while away from their homes or places of business pursuant to such business. No person who is employed in or at any time since January 1, 1950, has been an employee of, or who receives a substantial part of his income from, the rubber or petroleum industry, or that part of the chemical industry which supplies, or is capable of supplying, feedstocks for the manufacture of synthetic rubber, shall serve as a Commissioner.

"(b) With respect to the Government-owned rubber-producing facilities it shall be the duty of the Commission, and it is authorized in accordance with the provisions of this Act (1) to invite and receive proposals for the purchase of the facilities; to negotiate for their sale and make recommendations therefor to the Congress; to enter into appropriate contracts for their sale, which contracts shall be binding upon the Government and the prospective purchasers upon their execution subject only to the further provisions of this Act; and in the performance of such contracts to execute and deliver such deeds or other instruments appropriate to effectively transfer to the purchaser thereof title to the facilities, no matter by what officer, agent, department, Government corporation, or instrumentality of the United States the same is held; (2) to lease and thereunder deliver possession of the alcohol butadiene facilities, if practicable; and (3) to take such action and exercise such powers as may be necessary or appropriate to effectuate the purposes of this Act.

"(c) From the time of its appointment and throughout the course of the performance of its duties, the Commission shall consult and advise with the Attorney General in order (1) to secure guidance as to the type of disposal program which would best foster the development of a free competitive synthetic rubber industry, and (2) to supply the Attorney General with such information as he may deem requisite to enable him to provide the advice contemplated by this section and sections 9 (a) (4) and 9 (f) of this Act.

"(d) Before submission of its proposed disposal report to the Congress, as provided for in section 9 of this Act, the Commission shall submit it to the Attorney General, who shall within a reasonable time, in no event to exceed 90 days, after receiving such report, advise the Commission whether, in his opinion, the proposed disposition will violate the antitrust laws.

"(e) Nothing in this Act shall impair, amend, or modify the antitrust laws or limit and prevent their application to persons who acquire property under the provisions of this Act. As used in this section, the term "antitrust laws" includes the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended; the Federal Trade Commission Act; and the Act of August 27, 1894 (ch. 349, secs. 73, 74, 28 Stat. 570), as amended.

"SEC. 4. The Commission shall be furnished upon its request all available information concerning the Government-owned rubber-producing facilities in the possession of any department, agency, officer, Government corporation, or instrumentality of the United States concerned with Government-owned rubber-producing facilities.

"SEC. 5. The Commission shall proceed as promptly as practicable, conducting such hearings as may be necessary, with the disposal of the rubber-producing facilities in compliance with the provisions of this Act.

"SEC. 6. (a) Without regard to the civil-service laws or the Classification Act of 1949, the Commission shall be authorized to employ professional, clerical, and stenographic assistance, and shall be further authorized to request and, with the consent of the head of any department, agency, Government corporation, or instrumentality of the United States concerned with the Government-owned rubber-producing facilities, receive the assistance of any employee thereof: *Provided,* That rates of pay for personnel employed by the Commission shall be in accordance with the Classification Act of 1949.

"(b) No member of the Commission and no person employed by the Commission as an attorney, agent, or employee in activities

involving discretion with respect to negotiations or contracts of sale of the Government-owned rubber-producing facilities, shall, during the period of such employment, or for a period of two years thereafter, be employed in any capacity by any purchaser, or affiliate thereof. No purchaser or affiliate thereof shall employ in any capacity any person, who has served as a member of the Commission or who was employed by the Commission and served the Commission as an attorney, agent, or employee in activities involving discretion with respect to negotiations or contracts of sale of the Government-owned rubber-producing facilities, while any such person is serving as a member or employee of the Commission or for a period of two years thereafter. Any person violating the provisions of this subsection shall be fined not more than $10,000 or imprisoned not more than one year, or both.

"SEC. 7. (a) The Commission shall invite, upon adequate notice and advertisement, proposals for the purchase of the Government-owned rubber-producing facilities, hereafter referred to as the facilities. The period for the receipt of proposals shall be determined and publicly announced by the Commission, and in no event shall be less than six months after the first day on which proposals may be received pursuant to the advertisement. The advertisement shall be in such form, contain such specifications and reservations, and be published in such manner as the Commission in its discretion determines will best effectuate the purposes of this Act. All data concerning such facilities which in the judgment of the Commission may be reasonably required for the submission of a bona fide proposal shall be furnished by the Commission upon request by any prospective purchaser unless the Commission has reason to believe that such prospective purchaser has not identified his principal, or is not financially responsible, or is a poor security risk.

"(b) Proposals shall be in writing, and shall contain, among other things—

"(1) identification of the person in whose behalf the proposal is submitted, including the business affiliation of such person;

"(2) the facility or facilities which are proposed to be purchased, and the order of preference if more than one facility is proposed to be purchased; or the order of preference if proposals are submitted on more than one facility, if only one facility is proposed to be purchased;

"(3) the arrangements or plans, if any, formal or informal, for the supply of feedstock to, and the disposition of the end products of, the respective facilities proposed to be purchased;

"(4) the amount proposed to be paid for each of the facilities, and, if such amount is not to be paid in cash, then the principal terms of the financing arrangement proposed;

"(5) the general terms and conditions which the prospective purchaser of a copolymer facility would be willing to accept in order to make the end product of such facility available for sale to small business enterprises, and the general terms and conditions which the prospective purchaser of a butadiene or styrene facility would be willing to accept in order to make the end product of such facility available for sale to purchasers of copolymer facilities; and

"(6) such other information as the Commission in its notice and advertisement for proposals shall require be set forth in proposals including the prospective purchaser's acceptance of the terms, conditions, restrictions, and reservations contained in subsection (h) of this section, and the interest rate to be charged on the purchase-money mortgage referred to in subsection (e) of this section.

"(c) Should it become necessary to the effective prosecution of the disposal program, the Commission may, after the termination of the period for the submission of proposals provided for in subsection (a) of this section, disclose the contents of the proposals at such time, in such manner, and to such extent as it deems appropriate.

"(d) Proposals shall be accompanied by a deposit of cash or United States Government bonds of face amount equal to 2½ per centum of the gross amount proposed to be paid but not exceeding $250,000 for each facility: *Provided, however,* That the deposit required in the case of a proposal for one of a number of facilities on an alternative basis shall be the same as would be required if such proposal were for only the facility for which the particular prospective purchaser proposed to pay the highest amount. Except in the case of purchasers, deposits made hereunder shall be refunded without interest and not later than upon the termination of the period for congressional review as provided in section 9 of this Act. In the case of purchasers, deposits made hereunder shall be applied without interest to the purchase price: *Provided, however,* That upon the closing of the contract of sale the purchaser shall be required to substitute cash equal to the face amount of the Government bonds then held in connection with such purchaser's proposal.

"(e) Payment of the purchase price may be made in part by a first lien purchase-money mortgage, in an amount not to exceed 75 per centum of the purchase price. The terms of any such mortgage obligation, to be determined by negotiation, shall provide among other things for a maturity of not more than ten years, periodic amortization, and a uniform interest rate of not less than 3 per centum per annum.

"(f) Promptly after the termination of the period for the receipt of proposals, pursuant to subsection (a) of this section, and for such period thereafter not less than seven months as may be determined and publicly announced by the Commission, it shall negotiate with those submitting proposals for the purpose of entering into definitive contracts of sale.

"(g) Nothing contained in this Act shall be construed to prevent the Commission from securing such additional information from those submitting proposals at any time as the Commission may deem necessary or appropriate to fulfill its responsibilities under this Act.

"(h) All contracts of sale and instruments in execution thereof shall contain a national security clause having terms, conditions, restrictions and reservations which will assure the prompt availability of the rubber-producing facilities, or facilities of equivalent capacity, for the production of synthetic rubber and the component materials thereof for a period of ten years from the date of the contract.

"(i) Subject to the conditions prescribed in section 24 of this Act, any contract of sale shall become fully effective upon the expiration of the period for congressional review provided for in section 9 of this Act unless the Congress within such period has disapproved such sale. The transfer of possession of all of the rubber-producing facilities to be sold shall be made as promptly as is practicable after the effective date, in accordance with the terms of the contracts, but in any event within a period terminating sixty days after the expiration of the period for congressional review as provided in section 9 (b) of this Act. The failure to complete transfer of possession prior to said termination date shall not give rise to or be the basis of rescission of the contract of sale.

"(j) Upon termination of the transfer period, as provided in subsection (i) of this section, the operating agency last designated by the President shall make no further sales of synthetic rubber and its component materials except as otherwise provided in this Act.

"(k) During the period of one year following the termination of the transfer period, the operating agency last designated by the President shall offer for sale to the purchasers of the facilities the synthetic rubber and its component materials held by it at a price determined in accordance with its pricing policy prevailing at the close of the transfer period, in amounts prorated in accordance with the ratio of the capacity of each such facility purchased to the total capacity of all facilities of the same type sold. Any synthetic rubber or component materials not purchased by an eligible purchaser during periodic intervals, as determined by the operating agency, shall be made available to other eligible purchasers on a like equitable basis. Any synthetic rubber or component materials not sold during such one-year period shall thereafter be disposed of in such manner as said agency deems advisable.

"SEC. 8. (a) Upon the termination of the transfer period, the operating agency last designated by the President, shall, as promptly as possible consistent with sound operating procedures, take out of production and place in adequate standby condition the rubber-producing facilities which shall not have been sold. At any time after the termination of production, such facilities may be transferred without reimbursement or transfer of funds to the General Services Administration and administered in accordance with the provisions of sections 6, 7, and 8 of the National Industrial Reserve Act of 1948, as amended (62 Stat. 1227, 50 U. S. C. 456–458), or to such other agency as the President may designate for administration in such manner as he may direct. In such event (1) no such facility shall thereafter be operated as a rubber-producing facility for the account of, or by, the Government except pursuant to further Act of Congress; (2) no such facility, other than alcohol-butadiene facilities, shall be leased for operation as a rubber-producing facility at any time: *Provided,* That nothing contained in this Act shall preclude the leasing of alcohol-butadiene facilities for purposes other than the manufacture of alcohol butadiene so long as such leases are in accordance with the provisions of section 8 (a) or section 9 (f) of this Act; and (3) no such facility shall be disposed of by sale within a period of three years from the termination of the transfer period, and in any subsequent lease or sale, the Government agency acting under authority of this section shall within a reasonable time and in no event less than sixty days prior to the lease or sale, request the advice of the Attorney General as to whether the proposed lease or sale would tend to create or maintain a situation inconsistent with the antitrust laws. The Attorney General shall give his advice within forty-five days of the receipt of such request. Upon the request of the Attorney General, the Government agency shall furnish, or cause to be furnished, such information as it may possess which the Attorney General determines to be appropriate or necessary to enable him to give the advice called for by this section.

"(b) Whenever any transfer to any Government agency is made pursuant to this section, all unexpended funds budgeted as provided in section 9 (e) for standby and maintenance in such condition shall also be transferred.

"SEC. 9. (a) Not later that thirty days after the termination of the negotiating period provided in section 7 of this Act, and in no event later than January 31, 1955, the Commission shall prepare and submit to the Congress a report setting forth—

"(1) the steps taken to elicit proposals and the proposals which have been received;

"(2) the principal terms of all sales contracted for and the Commission's recommendations in respect thereto;

"(3) in the event that there may have been a financially more advantageous pro-

posal for any rubber-producing facility than the sale recommended, a statement of the reasons why such sale is nevertheless proposed;

"(4) the statement from the Attorney General setting forth findings approving the proposed disposals in accordance with the standards set forth in section 3 (c) of this Act;

"(5) the program to be followed to place in standby condition the rubber-producing facilities not sold;

"(6) an inventory report concerning the Government's current stocks of synthetic rubber and its component materials;

"(7) a program for the continuance to the extent it deems necessary, during the fiscal year following the fiscal year in which the transfer period terminates, of the research program on synthetic rubber and its component materials then being carried on by the operating agency; and

"(8) the names of persons who have represented the Government or the purchasers in conducting negotiations or in making contracts for disposal of the rubber-producing facilities.

"(b) The report shall be submitted to both Houses of Congress on the same day. Upon the expiration of sixty days of continuous session of the Congress following the date upon which the report is submitted to it, the Commission shall proceed to carry out the contracts and proposals, as outlined in its report, to the extent that such contracts and proposals are not disapproved by either House of Congress by a resolution within the sixty-day period.

"(c) For the purposes of subsection (b) of this section—

"(1) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

"(2) in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain.

"(d) No rubber-producing facility shall be sold or leased except in accordance with this Act, or in accordance with section 7 (d) (4) of the Rubber Act of 1948, as amended.

"(e) Such sums as may be required for the foregoing purposes may be provided out of the proceeds of disposal, and annual budgets for the expenses necessary for such purposes shall be submitted in accordance with the Government Corporation Control Act of 1945, as amended (59 Stat. 597, 31 U. S. C. 841).

"(f) Notwithstanding any other provisions of this Act, the Commission may, after securing the advice of the Attorney General as to whether the proposed lease would tend to create or maintain a situation inconsistent with the antitrust laws, enter into leases for the alcohol-butadiene facilities for a period of not less than one year, nor more than three years: *Provided*, That any such lease shall contain among other things (1) a national security clause, and (2) provisions for the recapture of such facilities by the Government and the termination of the lease, if the President determines that the national interest so requires. Not less than sixty days prior to said lease the Commission shall request such advice from the Attorney General who shall give the same within forty-five days of the receipt of such request.

"SEC. 10. At the expiration of one year after the transfer period or as soon thereafter as the Congress is in session, the President shall report to the Congress concerning the Nation's rubber requirements and resources, and the need, if any, for further research by the Government relative to the production or use of synthetic rubber and its component materials.

"SEC. 11. The term "rubber-producing facilities" as used in this Act shall not include the Government-owned evaluation laboratory at Akron, Ohio.

"SEC. 12. All final net proceeds from disposal of the rubber-producing facilities shall be covered into the Treasury as miscellaneous receipts except as otherwise provided by this Act.

"SEC. 13. The sales, leases, or other dispositions made prior to the enactment of this Act, pursuant to section 9 (b) of the Rubber Act of 1948, as amended, shall not be affected by this Act.

"SEC. 14. Notwithstanding the provisions of section 20 of the Rubber Act of 1948, as amended, (1) if no report is submitted by the Commission, or if the report submitted by the Commission pursuant to section 9 of this Act is disapproved in its entirety, then the Rubber Act of 1948, as amended, shall be extended until March 31, 1956; and (2) if the Commission submits a report and it is not disapproved in its entirety, the Rubber Act of 1948, as amended, shall terminate at the termination of the transfer period as provided in section 7 (i) of this Act.

"SEC. 15. Thirty days following the receipt of proposals, as provided in section 7 of this Act, the Commission shall submit to the Congress a report stating the amount of funds expended by or obligated by the operating agency for the repair, replacement, additions, improvements, or maintenance of each synthetic rubber-producing facility for which proposals have been submitted. Thereafter reports shall be made monthly until such time as the Congress shall have permitted or disapproved in whole or in part the disposal recommended by the Commission.

"SEC. 16. In arriving at its recommendations for the disposal of the facilities, the Commission shall use, as the basis for negotiating the sale of each facility the highest amount proposed to be paid for each facility, if, in the opinion of the Commission, the highest amount proposed to be paid was a bona fide proposal and was submitted by a person competent to operate a rubber-producing facility: *Provided*, That the words "competent to operate a rubber-producing facility" shall not be interpreted so as to require prior experience in the operation of a rubber-producing facility: *Provided further*, That in using such highest proposed amount as a basis for negotiations the Commission may negotiate with respect to any facility with any person who submitted a proposal on that or any similar facility and may recommend sale of any facility to any person who submitted a proposal on that or any similar facility at a price which is equal to, higher than, or lower than the highest amount proposed to be paid for each facility as the Commission determines will best effectuate the purposes of this Act.

"SEC. 17. The following criteria, together with such other criteria as the Commission deems necessary or desirable to best effectuate the purposes of this Act, shall be used by the Commission in arriving at its recommendations for disposal:

"(1) That the disposal program be designed best to afford small business enterprises and users, other than the purchaser of a facility, the opportunity to obtain a fair share of the end products of the facilities sold and at fair prices;

"(2) That the prospective purchaser has the technical competence necessary to operate a rubber-producing facility, except that prior experience in operating a rubber-producing facility shall not be required as a basis for determining whether a prospective purchaser has the technical competence necessary to operate a rubber-producing facility;

"(3) That the recommended sales shall provide for the development within the United States of a free, competitive, synthetic rubber industry, and do not permit any person to possess unreasonable control over the manufacture of synthetic rubber or its component materials;

"(4) That the prospective purchaser is acting in good faith, and actually intends to operate the facility or facilities for the purpose of manufacturing synthetic rubber or its component materials;

"(5) That full fair value for the facility or facilities will be received by the Government, taking into consideration the policy set forth in section 2 of this Act;

"(6) That disposal of the facility or facilities to the purchasers is consistent with national security; and

"(7) That the facilities recommended for sale will in the aggregate be capable of annually producing not less than five hundred thousand long tons of general-purpose synthetic rubber, and not less than forty-three thousand long tons annually of butyl rubber.

"SEC. 18. Unless otherwise provided in this Act, the disposal of the Government-owned rubber-producing facilities shall be authorized notwithstanding the provisions of the Rubber Act of 1948, as amended.

"SEC. 19. Unless otherwise provided in this Act, all costs incurred by the Commission or any other department, agency, officer, Government corporation, or instrumentality of the United States pursuant to the provisions of this Act shall, so long as synthetic rubber is produced for the account of the Government in the Government-owned rubber-producing facilities, be paid from and charged against the operating income of the Government-owned synthetic rubber program, administered by the operating agency.

"SEC. 20. The Commission shall cease to exist thirty days after the termination of the transfer period as provided by section 7 (i) of this Act, but nothing contained in this section shall be construed in any way so as to abrogate, modify, or adversely affect any contract of sale or lease of the Government-owned rubber-producing facilities pursuant to this Act. After the Commission ceases to exist, such contracts and leases and other matters involving the Commission shall be administered by such agency of the Government as the President may designate.

"SEC. 21. (a) The term 'synthetic rubber' means any product of chemical synthesis similar in general properties and applications to natural rubber, and specifically capable of vulcanization, produced in the United States, not including reclaimed synthetic rubber.

"(b) The term 'general-purpose synthetic rubber' means a synthetic rubber of the butadiene-styrene type generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback as determined from time to time by the President.

"(c) The term 'rubber-producing facilities' means facilities, in whole or in part, for the manufacture of synthetic rubber, and the component materials thereof, including, but not limited to, buildings and land in which or on which such facilities may be located and all machinery and utilities associated therewith.

"(d) The term 'component materials' means the material, raw, semifinished, and finished, necessary for the manufacture of synthetic rubber.

"(e) The term 'standby condition' means the condition in which rubber-producing facilities, in whole or in part, are placed if not sold or leased in accordance with this act, but are maintained so as to be readily available for the production of synthetic rubber or component materials.

"(f) The term 'person' means any individual, firm, copartnership, business trust, corporation, or any organized group of persons whether incorporated or not.

"(g) The term 'operating agency' means the Department, agency, officer, Government corporation, or instrumentality of the United

States designated from time to time by the President pursuant to section 7 (a) of the Rubber Act of 1948, as amended.

"(h) The term 'small business enterprise' means an enterprise independently owned and operated which is not dominant in its field of operation, due regard being given to the number of its employees and dollar volume of business.

"SEC. 22. Section 20 of the Rubber Act of 1948, as amended, is further amended as follows: In lieu of the date 'March 31, 1954' insert the date 'May 1, 1955'.

"SEC. 23. (a) The provisions of this section are enacted by the Congress:

"(1) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in subsection (b)); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

"(2) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

"(b) As used in this section, the term 'resolution' means only a resolution of either of the two Houses of Congress, the matter after the resolving clause of which is as follows: (1) 'That the does not favor sale of the facilities as recommended in the report of the Rubber Producing Facilities Disposal Commission.', the blank therein being filled with the name of the resolving House; or (2) 'That the does not favor the sale of the as recommended in the report of the Rubber Producing Facilities Disposal Commission.', the first blank therein being filled with the name of the resolving House and the other blank being filled with a description of the facility or facilities proposed to be sold.

"(c) A resolution with respect to a facility or facilities shall be referred to a committee (and all such resolutions shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

"(d) (1) If the committee to which has been referred a resolution with respect to a facility or facilities has not reported it before the expiration of ten calendar days after its introduction, it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such facility or facilities which has been referred to the committee.

"(2) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same facility or facilities), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendments to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(3) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same facility or facilities.

"(e) (1) Where the committee has reported, or has been discharged from further consideration of, a resolution with respect to a facility or facilities, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

"(2) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(f) (1) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a facility or facilities, and all motions to proceed to the consideration of other business, shall be decided without debate.

"(2) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a facility or facilities shall be decided without debate.

"SEC. 24. Notwithstanding any provisions of this Act, in the event that the recommended sale of any facility is disapproved by either House of the Congress, any prospective purchaser of any other facility shall have a period of thirty days after the termination of the period for review by the Congress in which to reject the recommended sales contract with regard to the facility or facilities which he has agreed to purchase: *Provided*, That if as a result of the disapproval by either House of the Congress of the sale of any facility or facilities, or as a result of the rejection of one or more sales contracts by any prospective purchaser as provided in this section, the remaining facilities to be sold will in the aggregate not be capable of annually producing at least 500,000 long tons of general purpose synthetic rubber and at least 43,000 long tons of butyl rubber, then no facility shall be sold under this Act, and for the purposes of this Act the report of the Commission shall be deemed to have been disapproved in its entirety."

And the Senate agree to the same.

DEWEY SHORT,
LESLIE C. ARENDS,
PAUL W. SHAFER,
PAUL CUNNINGHAM,
CARL VINSON,
OVERTON BROOKS,
CARL T. DURHAM,
Managers on the Part of the House.

HOMER E. CAPEHART,
JOHN W. BRICKER,
IRVING M. IVES,
WALLACE F. BENNETT,
BURNET R. MAYBANK,
A. WILLIS ROBERTSON,
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 Senate to the bill (H. R. 5728) to authorize the disposal of the Government-owned rubber-producing facilities, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

There are several fundamental differences between the House bill and the Senate amendment which struck out all after the enacting clause of the House bill. The first significant part of the conference report deals with section 3 (d) of the proposed legislation. Subsection 3 (d), under the Senate amendment and the conference report, requires the Commission to submit the proposed disposal report prepared by the Commission to the Attorney General prior to its submission to the Congress and gives the Attorney General not to exceed 90 days in which to advise the Commission "whether in his opinion, the proposed disposition will violate the antitrust laws." Under the previous subsection of the Senate amendment, subsection 3 (c), the Attorney General is required to be in constant contact with the Commission, advising the Commission in its effort to develop a disposal program which would best foster the development of a free competitive synthetic rubber industry. The House bill, in section 7 (g), required that—

"In conducting these negotiations, the Commission shall, within a reasonable time, but in no event less than forty-five days prior to the completion of these negotiations, consult with and obtain the advice of the Attorney General, whether, insofar as the Attorney General can determine, the proposed sales would tend to create or maintain a situation inconsistent with the antitrust laws."

The House conferees agreed to the Senate amendments dealing with the responsibilities of the Attorney General.

Thus under this section the Attorney General will be required to render an opinion to the Commission as to whether the proposed disposition will violate the antitrust laws. Likewise, the Attorney General will be required to consult and advise with the Commission in order that the Commission may obtain guidance as to the type of disposal program which would best foster the development of a free competitive synthetic rubber industry. This section also requires the Commisison to supply the Attorney General with information which the Attorney General may deem necessary to enable him to provide the advice required in section 9 (a) (4) of the conference report which will be hereafter discussed.

The second significant change from the House bill in the Senate amendment will be found in section 7 (a) of the conference report which provides as follows:

"The period for the receipt of proposals shall be determined and publicly announced by the Commisison, and in no event shall be less than six months after the first day on which proposals may be received pursuant to the advertisement."

This differs completely from the House bill which provided as follows:

"The period for the receipt of bids shall be determined and publicly announced by the Commission and in no event shall be less than forty-five days, nor more than ninety days, after the first day for which bids have been advertised."

The House conferees agreed to the Senate amendment with respect to the minimum time within which bidders could submit their proposals, with the hope that the additional time granted by the Senate language will increase the number of persons who will submit proposals.

The third extremely important change appears in subsection 7 (f) of the conference report. This subsection, contained in the Senate amendment, states as follows:

"Promptly after the termination of the period for the receipt of proposals, pursuant to subsection (a) of this section, and for such period thereafter not less than seven months as may be determined and publicly announced by the Commission, it shall negotiate with those submitting proposals for the purpose of entering into definitive contracts of sale."

The House bill provided as follows:

"(f) Promptly after the termination of the period for the receipt of bids, * * * and for such period thereafter not to exceed four months as may be determined and publicly announced by the Commission, it shall negotiate with bidders * * *."

The House conferees agreed to that part of the Senate amendment which provides a minimum of 7 months for negotiation after proposals have been submitted.

The next important change from the original House bill is found in section 9 (a) (4) of the conference report. The Senate amendment to this section provided as follows:

"(4) the statement from the Attorney General setting forth findings approving the proposed disposals in accordance with the standards set forth in section 3 (c) of this Act;".

It should be recalled that the Attorney General, in section 3 (c) of the conference report, requires the Attorney General to consult with and advise the Commission in order "to secure guidance as to the type of disposal program which would best foster the development of a free competitive synthetic rubber industry."

The original House language provided as follows:

"(4) to the extent requested by the Attorney General the report shall transmit his advice concerning the sales which are proposed;".

The House conferees agreed to the Senate amendment and thus the Attorney General shall be required to make actual findings, approving the proposed sales.

The fifth important difference between the House bill and the Senate amendment deals with the so-called "item disapproval" provision of the Senate amendment and the conference report which provides as follows:

"SEC. 9. * * *

"(b) The report shall be submitted to both Houses of Congress on the same day. Upon the expiration of sixty days of continuous session of the Congress following the date upon which the report is submitted to it, the Commission shall proceed to carry out the contracts and proposals, as outlined in its report, to the extent that such contracts and proposals are not disapproved by either House of Congress by a resolution within the sixty-day period."

It should be noted that a report recommending disposal can be made to the Congress if definitive contracts of sale have been entered into which in the aggregate will be capable of annually producing not less than 500,000 long tons of general purpose synthetic rubber and not less than 43,000 long tons annually of butyl rubber. However, under the Senate amendment it would have been possible for the Congress to approve sales which would have resulted in less total production than these amounts. The result could have been a substantial increase in the price of natural rubber, a shortage of rubber, and hardship, particularly for the smaller consumers of rubber.

This part of the Senate amendment without modification might well have led to no bids being received for the facilities whatsoever, for even though plants that are not sold will go into standby, it is inconceivable that if enough of the sales were rejected so as to considerably reduce the production of synthetic rubber, the Congress would not have authorized the production of synthetic rubber for the account of the Government in the facilities not sold. The major selling point of the House bill and the only possible manner in which the Government can expect to receive the fair value for the facilities is on the theory that once the plants are sold, the Government will go out of the rubber business. This part of the Senate amendment without modification might well have resulted in half of the plants being sold and the other half being operated by the Government in competition with those that are sold. Few, if any, bidders would seek to purchase a copolymer plant with this possibility staring them in the face. Such action on the part of the Senate appeared to do violence to that part of the Rubber Act of 1948, and the policy of the proposed legislation, which encourages the development within the United States of a free, competitive synthetic rubber industry.

The House conferees agreed to the Senate amendment, but modified its effect by the addition of a new section 24.

The new section 24 provides protection for the consumers of rubber products and protection for the prospective purchasers.

As previously indicated it would have been possible under the Senate amendment to section 9 (b) for sales to have been approved which would not have resulted in the 500,000 long tons of general-purpose synthetic rubber and 43,000 long tons of butyl rubber capacity considered necessary for an orderly transfer program and protection for consumers of rubber.

Likewise, under the Senate amendment, it would have been possible for a purchaser who was dependent upon another facility to be held to a sales contract for his facility, even though the sale of the other facility was rejected by one House. This would have been manifestly unfair to such a purchaser and might well have precluded his submission of a bid on a facility.

Under section 24, however, any purchaser can, within 30 days, after the period of congressional review has terminated, reject his proposed purchase if the sale of any facility has been disapproved by either House.

If the disapproved sales, or the sales rejected by prospective purchasers, result in an aggregate capacity of less than 500,000 long tons of general-purpose rubber and less than 43,000 long tons of butyl rubber, then all of the sales will be rejected and the Rubber Act will be extended to March 31, 1956. Sales contracts will become effective immediately following the termination of the 60-day period for congressional review if no sale is disapproved by either House. If either House rejects a sale, then all purchasers have a 30-day period after the termination of the period for congressional review in which to withdraw their proposed purchase or purchases. At the end of this period of 30 days all sales not withdrawn become effective if the aggregate tonnage requirement has been satisfied.

The next point of significant difference deals with section 23 of the Senate amendment, which makes a resolution of disapproval a privileged resolution after 10 days, similar to the Reorganization Act procedure. The House conferees agreed to the Senate amendment which permits separate resolutions of disapproval with respect to each facility.

Other points of difference between the original House bill and the Senate amendment are as follows:

The Senate amendment contains a reference to the antitrust laws and provides that nothing in this act shall impair, amend, or modify such laws. There appeared to be no objection to the inclusion of this language, and the House conferees agreed to its inclusion in the report.

Section 6 (b) of the Senate amendment was more comprehensive than the House bill with respect to the prohibition of Commissioners and employees of the Commission working for purchasers. It was an improvement over the House bill, and the House conferees agreed to the change.

Section 7 (b) (5) of the conference report and the Senate amendment requires the proposals to contain the general terms and conditions which a purchaser would be willing to accept in order to make the end product available for sale to small-business enterprises and likewise required the general terms and conditions which the prospective purchaser of feedstock facilities would be willing to accept in order to make the end product available for sale to the purchasers of copolymer facilities. There was no comparable House provision and, although section 7 (b) (3) of both the House and Senate amendment would seem to accomplish the same purpose, there appeared to be no objection to the addition of paragraph 5, and the House conferees agreed to its inclusion in the conference report.

Paragraph 6 of section 7 (b) of the Senate amendment omitted an important factor which is contained in paragraph 5 of the House bill of the same section. The House bill requires that in the advertisement for bids the interest rate to be charged on the purchase money mortgage be included. There was no reference to this in the Senate bill and the Senate conferees agreed that paragraph 6 of section 7 (b) of the Senate amendment should be amended by adding the words "and interest rate to be charged on the purchase money mortgage referred to in subsection (e) of this section". It thus became a part of the conference report.

Subsection 7 (d) of the Senate amendment requires a deposit of only 2½ percent of the gross amount not exceeding $250,000 for each facility with a further proviso that a bidder seeking only one facility, who bids on an alternative basis, need make only one deposit. The House bill required a 10 percent deposit, but not exceeding $500,000, for each facility and requires this deposit on each facility bid upon. The purpose of the House bill was to dissuade speculators from bidding on these facilities but the Senate amendment sought to encourage more prospective purchasers. The House conferees agreed to the Senate amendment.

Subsection 7 (k) of the Senate amendment provides for the sale of surplus rubber on hand at the end of the transfer period to the purchasers of the facilities together with any feedstocks remaining. The House bill provided for sale of rubber to prior purchasers on a pro rata basis and only the sale of feedstocks to the purchasers of facilities. Since the RFC will soon require 4 months firm orders and in effect require the larger companies to build up their own inventory, it would appear that there will not be any large surplus of synthetic rubber at the end of the transfer period. Purchasers of the facilities, with their own inventory on hand, will be able to make adequate supplies of rubber available for small consumers. Until disposal of the facilities, small users will be able to obtain adequate supplies from plants operated for the account of the Government. Thereafter, such users will be dealing with purchasers of the plants to whom inventory stocks will be offered for sale under the conference bill.

Section 9 (a) of the conference report is part of the Senate amendment and provides that "not later than thirty days after the termination of the negotiating period provided in section 7 of this Act, and in no event later than January 31, 1955, the Commission shall prepare and submit to the Congress a report * * *."

The House bill provided that the Commission would cease to exist on June 30, 1954, and set a target date of June 1, 1954, for transfer of the facilities to private industry. The Senate objected to this target date on the grounds that this gave the Commission insufficient time to get an adequate number of bidders and likewise held the Commission to too strict a timetable. Since the bidding and negotiation periods have now been extended to a minimum period of 6 months in which to take bids and a minimum of 7 months in which to negotiate, the House conferees agreed that the Senate amendment fixing a final target date of January 31, 1955, for submission of the report was reasonable and thus all reference to a 1954 target date has been eliminated.

Section 9 (a) (8) of the conference report, and part of the Senate amendment, requires the report to show "the names of persons who have represented the Government or the purchasers in conducting negotiations or in making contracts for disposal of the rubber-producing facilities."

There is no comparable House provision, but it appeared to be a sound provision and

the House conferees agreed to its inclusion.

Section 16 of the conference report contains an important change from the House bill. In this section, as amended by the Senate, the Commission is required to use as the basis for negotiating the sale of each facility the highest amount proposed to be paid, provided, however, that in using the highest proposed amount the Commission may negotiate "with respect to any facility with any person who submitted a proposal on any facility and may recommend sale of any facility to any person who submitted a proposal on any facility at a price which is equal to, higher than, or lower than the highest amount proposed to be paid for each facility as the Commission determines will best effectuate the purposes of this Act."

The House position was that, all things being equal, the Commission would be required to use the highest bid as the basis for negotiation. This part of the Senate amendment seeks to create a larger competitive pattern, and recognizes the desirability of a possible sale of a facility at a lesser amount than the highest amount bid. While this may result in some loss to the Government, it is offset by the fact that this proviso would also permit the Commission to negotiate on a higher basis than the highest bid submitted particularly with respect to facilities upon which only one or two bids have been received, which the Commission feels should be sold at a higher price.

This opens the way for negotiating upward as well as downward. The House conferees accepted this part of the Senate amendment, for while it may result in the sale of a facility for less than the highest amount submitted, it may also result in the sale of a facility for more than the highest amount proposed.

However, the House conferees insisted that this part of the Senate amendment be amended, for on the basis of the Senate language it would have been possible for all bidders to submit bids on a very inexpensive facility and still be permitted to negotiate for the purchase of any other facility in the program. The Senate conferees agreed to this change. Thus, this part of the conference report now reads as follows:

"Provided, further, That in using such highest proposed amount as a basis for negotiations, the Commission may negotiate with respect to any facility with any person who submitted a proposal on that or any similar facility and may recommend sale of any facility to any person who submitted a proposal on that or any similar facility at a price which is equal to, higher than, or lower than the highest amount proposed to be paid for each facility as the Commission determines will best effectuate the purposes of this Act."

This language will then permit a bidder on a copolymer facility to negotiate for the purchase of another copolymer facility, or it will permit a bidder on a butadiene facility to be considered for the purchase of another butadiene facility, but it will not permit a bidder on a copolymer facility to be considered for the purchase of a butadiene facility on the basis of that bid, nor will it permit bidders on an inexpensive catalyst plant to negotiate for the other much more expensive facilities.

Other changes between the House bill and the Senate amendment are technical in nature.

Thus, under the conference report, a Commission will be appointed by the President. The Commission will advertise for proposals from prospective purchasers of the Government-owned synthetic rubber facilities, and the bidding period will run for a period of not less than 6 months. Thereafter the Commission, in constant consultation with the Attorney General, with regard to the development of a free competitive synthetic rubber industry, will negotiate with those who submitted proposals for a period of not less than 7 months. The Attorney General must then render an opinion to the Commission as to whether the proposed sales will violate the antitrust laws. After the negotiations have been completed, the Commission will submit its report, recommending prospective purchasers, to the Congress. The Attorney General must also submit findings approving the proposed disposals. This report must be submitted to the Congress not later than January 31, 1955. The report will then be referred to the House Armed Services Committee and the Senate Banking and Currency Committee. A resolution of disapproval for any facility may be introduced by any Member of either House, and if the committee to which the resolution is referred does not act within 10 days the committee may be discharged from further consideration, the resolution becomes highly privileged, and may be called up on the floor. If any sale is rejected, all purchasers have the right to withdraw from the proposed purchases. If sales disapproved or rejected result in an aggregate capacity of less than 500,000 long tons of general-purpose rubber and 43,000 long tons of butyl rubber, all sales will be rejected, and the Rubber Act will be extended until March 31, 1956.

DEWEY SHORT,
LESLIE C. ARENDS,
PAUL W. SHAFER,
PAUL CUNNINGHAM,
CARL VINSON,
OVERTON BROOKS,
CARL T. DURHAM,
Managers on the Part of the House.

Mr. SHAFER. Mr. Speaker, I call up the conference report on the bill H. R. 5728 and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the full report.

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

Mr. RAYBURN. Mr. Speaker, at this late hour in the evening I would object to a request of this kind from anyone except the gentleman from Michigan.

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

There was no objection.

The Clerk read the statement.

Mr. SHAFER. Mr. Speaker, under the conference report, a Commission will be appointed by the President. The Commission will advertise for proposals from prospective purchasers of the Government-owned synthetic rubber facilities, and the bidding period will run for a period of not less than 6 months. Thereafter the Commission, in constant consultation with the Attorney General, with regard to the development of a free competitive synthetic rubber industry, will negotiate with those who submitted proposals for a period of not less than 7 months. The Attorney General must then render an opinion to the Commission as to whether the proposed sales will violate the antitrust laws. After the negotiations have been completed, the Commission will submit its report, recommending prospective purchasers, to the Congress. The Attorney General must also submit findings approving the proposed disposals. This report must be submitted to the Congress not later than January 31, 1955. The report will then be referred to the House Armed Services Committee and the Senate Banking and Currency Committee. A resolution of disapproval for any facility may be introduced by any Member of either House, and if the committee to which the resolution is referred does not act within 10 days, the committee may be discharged from further consideration, the resolution becomes highly privileged, and may be called up on the floor. If any sale is rejected, all purchasers have the right to withdraw from the proposed purchases. If sales disapproved or rejected result in an aggregate capacity of less than 500,000 long tons of general-purpose rubber and 43,000 long tons of butyl rubber, all sales will be rejected, and the Rubber Act will be extended until March 31, 1956.

Mr. Speaker, this is the unanimous report of the conferees on the part of both the House and the Senate.

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

Mr. SHAFER. I yield to the gentleman from Iowa.

Mr. GROSS. Was there any change made in the interest rate?

Mr. SHAFER. No; no change was made.

Mr. GROSS. And it stands at what, now?

Mr. SHAFER. Not less than 3 percent.

Mr. GROSS. Any change made in the competitive bidding on these plants?

Mr. SHAFER. No; no change was made.

The SPEAKER. The question is on the conference report.

The conference report was agreed to, and a motion to reconsider was laid on the table.

HOUR OF MEETING TOMORROW

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

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

There was no objection.

COTTON ACREAGE ALLOTMENTS

Mr. WICKERSHAM of Oklahoma. 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 Oklahoma?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, I understand the Committee on Agriculture is going to present a bill relating to cotton quotas. I hope that when they do consideration will be given to the drought areas and that the acreage in our State will not be reduced, because it has already been reduced the last 3 years about 33⅓ percent.

GENERAL LEAVE TO EXTEND REMARKS

Mr. LANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on S. 15.

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

There was no objection.

MISSOURI NATIONAL GUARDSMAN DIES IN FIRE FOLLOWING WRECK OF 22-CAR TROOP TRAIN

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include newspaper articles.

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

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, funeral services are being held this afternoon for Sgt. Lawrence Johnson, 23-year-old member of Company C, 140th Infantry, Missouri National Guard, who met his death last Saturday afternoon when a 22-car troop train transporting approximately 450 Missouri National Guardsmen was wrecked near Menfro, Mo.

While 34 guardsmen are reported to have been injured in this spectacular wreck, Sergeant Johnson, a mess sergeant of Company C with headquarters at Marston, Mo., was apparently the only person in the kitchen car of wooden construction which was located between two pullman cars. The body of Sergeant Johnson was not recovered from the charred wreckage until Sunday morning following the wreck at 12:30 p. m. Saturday.

Mr. Speaker, I am calling the attention of this Congress to this wreck not alone for the purpose of expressing sympathy to members of the family of Sergeant Johnson, but also to remind this Congress of a responsibility which we have to the members of our Armed Forces, whether they be in the regular components of our armed services or in the Reserves, including the National Guard.

Fortunately, Congress has taken action to provide death benefits in the form of GI insurance for those members of the National Guard who are on field training, and I am reliably informed that those who were injured in this wreck are entitled to hospitalization and medical care which is presently being rendered both in private and Government hospitals.

However, I would remind you that in the event that any of the injuries received by the 30 or more members of this 140th Infantry National Guard Regiment of which practically all of its members are residents of the 10th Congressional District, who were en route to Camp Ripley, Minn., for their annual field training, are permanently or totally disabled as a result of such injuries they will not be eligible for compensation such as is proposed in H. R. 185 which has been before the Committee on Armed Services since the first week of this session.

Nothing that I can say can assuage the grief which is being suffered by members of the family of the deceased Sergeant Johnson or to relieve the anxiety of the parents and other members of the families of the other guardsmen who were more fortunate in having their lives spared, but I do say, Mr. Speaker, that a tragedy such as this should cause every Member of Congress to realize and accept the responsibility which he has in providing not only adequate protection but equal treatment for every member of the Armed Forces, irrespective of the circumstances under which his service is being rendered.

Mr. Speaker, I am asking unanimous consent to include herewith 2 newspaper articles, 1 from the Daily Standard, of Sikeston, Mo., under date of Monday, July 27, 1953; and another from the Southeast Missourian, of Cape Girardeu, Mo., under date of Tuesday, July 28, 1953.

I should add, Mr. Speaker, that several questions are prompted by this unfortunate wreck and I am making an effort to secure satisfactory explanations concerning the use of an antiquated car of wooden construction in the makeup of this troop train. I am also informed that the FBI has been conducting an investigation of possible sabotage, which appears not to be the case in the light of an announcement that the wreck was caused by a split rail.

[From the Sikeston (Mo.) Daily Standard of July 27, 1953]

LILBOURN NATIONAL GUARDSMAN DIES IN 22-CAR-TRAIN DERAILMENT—SERGEANT'S BODY FOUND IN DEBRIS SUNDAY MORNING

Trapped in the wreckage of a derailed and blazing railroad coach near Perryville, Lawrence Johnson, 23, of Lilbourn, and mess sergeant of Company C, 140th Infantry, Missouri National Guard stationed at Marston, was burned to death Saturday in a roaring inferno of heat and flame that defied the efforts of would-be rescuers to find him. The remains were found by a railroad foreman about dawn Sunday. Identification was made by relatives, who identified personal belongings found near the remains.

Thirty-four other members of the contingent of Missouri guardsmen injured in the wreck were taken to Perry County Memorial Hospital, Perryville, where all but six were treated for minor cuts and bruises and released. The other six men were hospitalized immediately.

At least 50 other guardsmen received scratches and bruises for which they received first-aid treatment either at the wreck site or when the troops returned to Chaffee Saturday night.

Lawrence Johnson was born February 28, 1930, in Floyd County, Ky., but had lived most of his life in Lilbourn. He attended the Lilbourn schools, and at the age of 18 joined the National Guard unit at Marston. He is survived by his mother, Mrs. Susan Johnson; 2 sisters, Misses Loraine and Sue Johnson, at home; 6 brothers: Richard, who is married and lives in Lilbourn, Monte Johnson, of Portageville, Gray Johnson, at home, Billy Johnson, of Ketchikan, Alaska, Charles Johnson, of the Air Force, stationed at Panama City, Fla.

The remains were brought to the Ponder Funeral Home, Lilbourn, last night, and will remain there until time for services, which will be announced later.

Capt. Charles H. Wofford, of Malden, attached to headquarters company, 1st battalion, 140th Infantry, one of the units aboard the train, was left at the wreck when the rest of the units were moved out, with orders from Col. Herbert Wickham, commanding officer of the battalion, to remain there until the missing man or his body was found. An all-night vigil was maintained, the captain said, and when it was possible to enter the wrecked and burned-out coach, a search was made.

At 5:30 a. m., Sunday, Sheriff Williams Milner, of Perry County, was notified the remains had been located and he, with the county coroner, Dr. C. M. Wildman, of Perryville, went back to the wreck. Dr. Wildman conducted an inquest at the scene and then the remains were removed to Perryville and the Ponder Funeral Home at Lilburn notified.

INJURED LIST

Of the six seriously injured, Capt. Glen Astin, of Bloomfield, and commanding officer of A Company, is believed to be in the most serious condition. He received broken ribs and possible internal injuries.

Billy Jarnagin, of Marston, was hospitalized but was not considered seriously hurt .

Chalmers Harrellson, of Bernie, was also reported as seriously injured with a back injury.

Leonard Britt, of Risco, of the Malden unit, was considered serious with injuries to his chest and a broken collarbone.

Donald Wrenn and Robert Sanford, both of Portageville, were hospitalized but their cases were reported as not considered serious.

Billy Penrod, of Portageville, was hospitalized at first but was later released.

Army doctors from Scott Field, Ill., arrived at Perryville late Saturday afternoon with ambulances, and the seriously injured guardsmen were transferred to the air base hospital.

Other guardsmen taken to the hospital for treatment and dismissed were as follows:

From Sikeston: Ezra "Shotgun" Williams, rear of 312 West Gladys Street, and Warren York, 301 Prosperity Street.

From Portageville: Robert Brantley, Jesse Frazier, Phillip Portwood, John Quick, Bill Stevens, and Billy Penrod.

From Caruthersville: Norval Eaynes, William Barner, Walter Danley, James Hill, Henry Jones, Charlie Moody, Donald Myers, Franklin Robertson, David Sewell, Jimmi Wyatt, and Henry Bowman.

From Dexter: James Odell.

From White Oak: Jack Stacey.

From Gideon: Alphous Barfoot.

From New Madrid: Herbert St. Mary.

From Steele: Leslie Bayes, Donold Lee, Roger Davidson, and Larry May.

Ambulances and fire apparatus from Perryville, Cape Girdardeau, and Crystal City went to the wreck and brought the injured into Perryville.

Maj. Lewis H. Conley, 713 Moore Street, executive officer of the First Battalion, 140th Infantry, and commander of the troop train, said Saturday evening that all the guardsmen who had been taken to the Perryville hospital would be taken by bus to St. Louis to rejoin the rest of the contingent.

GUARDSMEN CALM

"I would like to say," the major said, "that Sikeston can be proud of its guardsmen. They, as well as the rest of the group, conducted themselves well."

The men in the coaches not derailed, both in front and back of the four wrecked coaches, were quickly out of their cars and at work helping rescue their comrades, salvaging equipment, and doing everything they were able to do, the major declared.

Although the wreck took place in an isolated section, the noise of the crash and the smoke from the burning coaches attracted literally hundreds of spectators whose cars clogged the roads so completely the ambulances and fire equipment sent to the scene had a difficult time reaching it.

DISASTER INVESTIGATED

When the news of the disaster was received, railroad special agents, the State highway patrol, Sheriff Milner, and FBI agents hurried to the wreck to conduct an investigation.

Possibilities of sabotage were talked about, but the railroad men said they believed the wreck had been caused by a broken rail as the long train went around the double curve.

Relatives and friends of members of the various guard units, also drove to the wreck site and many remained all night watching the search being made for the missing guardsmen.

The first report of the wreck came to the Standard about 1:30 p. m., Saturday, from

Lt. Edward DeField, of B Company, Charleston, who set the time and place of the disaster at 12:30 p. m. and about 15 miles southeast of Perryville and 3½ miles from Menfro. L Company, from Bernie, he said, was in the middle of the train and, he believed, it had been hardest hit.

As usual, in a disaster there are some who just can't take it and late Saturday evening several small groups of guardsmen were seen passing through Sikeston. One encountered at a cafe was asked whether he belonged to the outfit that was in the wreck and he said he had been in it and had took off for his home at Caruthersville. He just couldn't see why the outfit had pulled itself together and gone on. "I don't see how anybody got out of it alive," he said. "They ought to have waited a week or two and then gone on. There ain't going to be anybody sleep on that train now, they'll all be too scared," and he left the cafe with his sandwiches to meet his father who, he said, was to meet him and take him home.

A veteran of the last war, seated a couple of stools away, summed it up neatly by remarking, "Well, it takes something like that to separate the men from the boys."

[From the Cape Girardeau (Mo.) Southeast Missourian of July 28, 1953]

COST OF WRECK ESTIMATED TO BE NEAR $100,000 MARK

Damages in the Frisco train derailment at Red Rock Saturday were estimated roughly at $100,000 today. A report from the office of the division superintendent at Chaffee indicated that the actual damage may possibly run over the estimate.

The wreck is believed to have been caused by a broken rail. A section of the rail, including the broken part, has been sent to the railroad's engineering headquarters at Springfield.

An informal inquiry, in lieu of an inquest, was conducted by Perry County Coroner C. M. Wildman. He said that Lawrence Johnson, National Guardsman, from Lilbourn, died of suffocation. The body was found at 5:20 Sunday morning under the wreckage in a space about 2 feet by 6 feet, Dr. Wildman stated.

The coroner reported that the engineer of the train, L. W. Anselm, of Chaffee, said the train was going 55 miles an hour on the 30° curve when the cars derailed.

Military rites will be conducted for Johnson at 3 Wednesday afternoon at the high school auditorium in Lilbourn. Rev. A. F. Foster, pastor of the Church of God, and Rev. W. E. Clyde, pastor of the Baptist Church, will have charge. Burial will be in Mounds Cemetery near Lilbourn with Ponder Funeral Home in charge.

TO SERVE AT RITES

Col. Russell R. Boyt, commanding officer of the 140th Infantry, was unable to send members of Johnson's organization, Company C, of Marston, back from Camp Ripley, Minn., to serve as military escort. Tank company of Fredericktown was directed to furnish men for the rites, according to Capt. James R. Crites of Cape Girardeau, commander of the Fredericktown unit.

Captain Crites will direct the military graveside rites. Members of the firing squad will be Lt. Floyd S. Wilkerson, Warrant Officer Robert T. Miller, Lt. Bill J. Evans, Cpl. Don Pruett, Cpl. Gale White, and Pfc. Dale Murphy.

Pallbearers as yet have not been named.

One of the six men injured on the train and taken to a hospital at Scott Field Air Force Base has been flown to an Army general hospital at Battle Creek, Mich. Miss Laura Britt, a nurse's aid at Southeast Missouri Hospital, said today that her brother, Leonard Britt of Malden, was flown to Battle Creek. He suffered a broken collar bone and a bruised knee. Miss Britt did not know if the other injured men had been transferred.

Frisco Agent B. E. Montgomery said today the death of young Johnson in the Saturday accident was the first fatality of a paid passenger in the Frisco's division for more than 40 years.

HELLS CANYON DAM

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. Bow] is recognized for 30 minutes.

Mr. BOW. Mr. Speaker, a hullaballoo of fantastic proportions has been built up around the issue of Hells Canyon. The propaganda urging Federal construction of a grandiose dam for which taxpayers would put up more than half a billion dollars started flowing from the Truman administration's Interior Department several years ago, and has continued unceasingly from those who see no merit in resource development except through Federal spending.

The weakness of their argument is that the proposed high dam at Hells Canyon is a phony. It is not the last, nor the best of the undeveloped sites for power production in the Pacific Northwest. It is not a keystone project without which economic progress in that area will be halted. It is not a multiple-purpose project which would irrigate arid lands, for there is no irrigable land to be brought into production from its stored waters.

It is not the best available site for flood control or for storage to increase power production in plants downstream on the Columbia River. On the contrary, it has been conjured up to extend Federal domination of the Pacific Northwest's economy, a domination which presently applies to the States of Oregon and Washington, to the States of Idaho, Utah, and Montana.

The issue is not confined to the Pacific Northwest, however, because it involves the proposed expenditure of about $560,000,000 of taxpayers' money which must come from the pockets of citizens in every State, including those of my own State of Ohio. This tax-financed project would deprive taxing units—Federal, State, and local—of tax revenues amounting to about $10,000,000 per year which would be paid by a private utility company which seeks to spend its own funds to develop the same river area.

In fiscal year 1952, private power companies paid more than $750 million in taxes to the Federal Government and almost $470 million to State and local governments. Federal power projects paid less than $5 million in lieu of taxes to State and local governments—and none to the Federal Government. With Federal projects now comprising about one-eighth of total generating capacity in the Nation, the probable tax revenues lost to the Federal Government last year exceeded $90 million, and the loss to State and local governments approximated $60 million, a total of almost $150 million. If we are ever to balance the Federal budget, we must take things of this kind into account and avoid the substitution of Federal projects, which by their nature are nonproductive of tax revenues, for projects that pay their full share of taxes.

The ballyhoo about Hells Canyon has served to obscure from public view the answers to the most important questions about it: First, is the high dam proposed for construction with tax money sound from a standpoint of engineering and cost? Second, does it represent the most comprehensive use of the waters of Snake River, and is it therefore best for the public? Third, would it pose a serious threat to the future growth and development of irrigation in the Snake River basin of southern Idaho and eastern Oregon?

These are the critical questions involved in hearings now proceeding before the Federal Power Commission, the agency to which Congress has specifically entrusted the responsibility for determining the public interest in questions of this kind. Secretary McKay is to be commended for recognizing this function of the commission.

As a former member of the House Committee on Interior and Insular Affairs, and as a former member of the Subcommittee on Irrigation and Reclamation, I participated in the extensive hearings on this question last year. As you will recall, the subcommittee by unanimous vote of the then Democratic majority of 12 members and Republican minority of 9 members decided to postpone indefinitely a bill to authorize the Hells Canyon project. In other words, the 21 representatives of both parties agreed unanimously to refuse authorization for this project, the merits of which are so nebulous and far-fetched.

In spite of that unanimous decision, the controversy has been perpetuated by a fringe group of Federal power fanatics both in and out of the Congress. The issue has been magnified far out of proportion to its true importance.

I submit, Mr. Speaker, the private versus Federal power controversy is less important in this instance than finding out what kind of resource development is best for the people of both this and future generations.

The determination of the merits of the Hells Canyon issue rests in the hands of the Federal Power Commission. Its hearings are the testing ground for all the claims which have been made. The hearings are specifically devoted to technical testimony. Witnesses must qualify as to competence. They appear under oath, and they are subject to searching cross-examination.

Witnesses are being heard both on behalf of private utility company development of the area and on behalf of Federal development. Independent engineers will testify, and apart from these, the power commission's own engineering staff members will report their separate study. By the time the Commission is ready to act, it will have had the benefit of a full, semijudicial review of all the facts—facts laid on the table and subjected to the most searching scrutiny. I point out the detail of this procedure to emphasize that the decision which will be reached by the Commission will not be a political decision dictated by any particular ideology—it will be a decision

based upon what is best in the public interest, and supported by tested evidence.

The obstructionists who have appeared to block and delay this democratic procedure, instead of welcoming the complete examination of their claims, seem to fear public scrutiny. If they are sincerely interested in proving those claims and demonstrating before an impartial, fact-finding body the merits they profess for the proposed Federal dam at Hells Canyon, they would not attempt to sidetrack the hearings. The fact is, their case for Hells Canyon just will not hold water.

If you compare the proposed high dam with the three lower dams proposed for the same stretch of river by Idaho Power Company, and make your comparison from the point of view that both are being considered as Federal developments in order that the basis of your computations be fully comparable, you will find the high-dam plan to cost $259 million more than the three lower dams. Because of that difference in construction costs, you will find that the power to be produced at the high dam costs more than twice as much per kilowatt-year at the bus bar than for the three lower dams. For your $259 million you get slightly more power, but the cost of that additional power is ridiculously high. The construction cost for the additional power is about five times as great per kilowatt as computed for the utility company's dams. The annual cost of producing that additional power is also about five times higher. The myth of cheap Federal power from this site is revealed. There is no magic about Federal projects to dispel the cold facts of engineering and economics.

If you were a responsible engineer, planning a project for either private or Federal ownership, which would you recommend? I think the answer is obvious. The high dam is not a good investment regardless of ownership. It would be folly for anyone to build it, and folly compounded for the Federal Government when the resource can be fully developed for public benefit without spending a dime of tax money.

Further, your extra expenditure of $259 million buys you nothing in the way of flood control or navigation benefits. Since the comparative costs have been set up on a basis of Federal investment, you have already charged off suitable amounts for those purposes from total costs in each case.

The three-dam plan provides for the most comprehensive development of this stretch of the Snake River whether viewed from the standpoint of the Snake River alone or in broader terms from the standpoint of the entire Columbia Basin. The 3 dams will completely utilize the entire head of the so-called Hells Canyon stretch of the river, 602 feet in all. No plan calling for Federal development there has a greater head of falling water, simply because this is the maximum obtainable from the topography. This maximum would be fully utilized for every known purpose, to get the most from the resource for power, for navigation, for flood control, and for recreation.

In the course of the hearings, competent engineering testimony has already been furnished to the effect that flood control and navigation requirements of the Corps of Engineers at site are met in the three-dam plan. In fact, the testimony of Maj. Gen. T. M. Robins, retired, formerly division engineer of the United States Army Corps of Engineers, at Portland, Oreg., shows there is no need for the storage facilities envisioned by the high-dam plan at this site in face of the fact that better storage sites are available in the Columbia River Basin which would utilize the surplus waters of the Salmon and Clearwater Rivers.

The most important factor to be considered involves present and future water supply at the Hells Canyon site, and the relationship of power projects there to future irrigation of additional lands upstream in the Snake River Basin of southern Idaho and eastern Oregon, where water is the lifeblood of the economy. No project should be undertaken at Hells Canyon by anyone which fails to protect everlastingly the upstream use of water for irrigation, both present and future.

In this regard, as in others, the high-dam proposal for Hells Canyon is seriously defective. The question boils down to this: Will the future economy of southern Idaho and eastern Oregon be shortchanged by power development at Hells Canyon?

The answer, if the high dam is built, is yes. Under the three-dam plan, the answer is no. There simply is not enough surplus water in the river during years of critical supply to operate the high dam. Assuming that the 20-year period, 1929–48, which covered both periods of drought and high flows, is a typical period for evaluating Snake River flows, there would have been only 4 years during which there would have been enough water to completely fill the reservoir of the high dam after giving effect to present upstream diversion for irrigation. Under conditions of irrigation development anticipated for the year 1977, assuming that the economy of southern Idaho is allowed to grow and expand, there would have been only 1 year of the 20 in which the high-dam reservoir would have been filled after taking required releases of water for navigation into account.

High-dam proponents deliberately expect to foreclose upon the future growth of irrigation in southern Idaho and eastern Oregon. If they contemplated the continuance of orderly growth in that area and the depletion of the water supply through irrigation of new lands, they would not have planned a grandiose dam several sizes too large for the available water.

One of the truly great agricultural economies of the world has developed in the central and upper Snake River basin through irrigation, with some 2½ million acres of land having been made productive through removing the sagebrush and applying waters from the Snake River and its tributaries above these dam sites. Most of it has been developed by individual enterprise, without the assistance of the Federal Government.

Progress of the area through further expansion of irrigated lands must not be halted by anything or anyone, and it need not be halted. The reclamation engineer for the State of Idaho has testified that 2 million additional acres of land should be considered as the minimum future expansion in the southern part of that State alone through irrigation and the use of available water from the Snake and its tributaries.

Yet the Federal agencies which, under the Truman administration, planned the high power dam at Hells Canyon used the figure of 192,000 acres of land as the average amount to be added by irrigation during the 50-year payout period of the project. In effect, they set a ceiling of 192,000 acres on the development of irrigated land in southern Idaho and eastern Oregon. They based the power production and the water-storage figures for the high-dam project upon this fantastic prediction, and through their shortsightedness revealed how little they are concerned about the future prosperity of the area.

Already, in the brief span of 5 years, the actual addition of new land amounts to more than 165,000 acres and is proceeding at a rate of over 30,000 acres per year.

Having set the ceiling of 192,000 acres on the future expansion of irrigation in southern Idaho and eastern Oregon when the plans were made for the proposed high dam, the Bureau of Reclamation later took another look and decided that 367,000 acres would be the correct total for the 50-year period embracing the life of the Hells Canyon project. This figure again forecloses on upstream development, for it will have been done and accomplished, not in 50 years, but in 10 to 12 years.

Talk about power grabs and sellouts. Here we have seen the tragic design by a branch of the Federal Government historically devoted to reclamation and irrigation of arid lands which in the Truman administration attempted to sell its own program down the river for the sake of Federal power. The price asked was the future economic welfare of Idaho and her citizens. This sellout is still being advocated today by a noisy group of Federal power fanatics. We can be thankful the present administration is interested in getting reclamation back on the track, and that it will encourage the development of sound reclamation projects to further improve the economy of arid States.

This is the sort of situation the farmers of Idaho fear. It accounts, as much as anything else, for the determined opposition to the high dam expressed repeatedly by irrigation districts, canal companies, and farm organizations of Idaho, and which opposition was registered with the Subcommittee on Irrigation and Reclamation in hearings last year.

Those same irrigation interests—the farmers of Idaho—have no fear of the three-dam plan contemplated by the Idaho Power Co. Positive restrictions

giving protection to all present and future irrigation have been written into the State water permits involving these dams. Furthermore, the constitution of the State specifically guarantees the priority of water used for irrigation over its use for hydroelectric power. Private companies or individuals cannot evade State law, but when the Federal Government takes over the use of water, it can claim a paramount interest, superseding State law. In that case, it does not much matter what language is written into legislative acts for the protection of water rights acquired under State law. The courts have held that the commerce clause of the Constitution gives the Federal Government jurisdiction over navigable streams and their tributaries.

The high dam proposed for Hells Canyou could provide the vehicle for exercising those paramount Federal rights without regard to the welfare of people in the affected area. Such fears are real, and cannot be pooh-poohed away in the light of proposals for establishment of a Columbia Valley Authority which have emanated in past years from the same groups of people who now support this Federal scheme. Neither can those fears be lightly regarded in the face of the restrictions on irrigation development I have already mentioned and upon which the high-dam plan is predicated.

Farmers are being told by some of the promoters of Federal power that subsidized electric energy is necessary in southern Idaho in order to increase production of treble superphosphate fertilizer. This in spite of the fact that the Federal Power Commission, in a report as yet restricted to staff use only but which was described in an Idaho newspaper article over a year ago, states that on a comparable basis with like conditions assumed, with power available at 3 mills per kilowatt-hour, manufacturing costs for fertilizer would be $39.19 per ton using electricity, or $35.74 per ton using the acid process with sulfuric acid at $18 per ton.

In other words, even if tax-free electric power were available to manufacturers of treble superphosphate fertilizer, it is still more economical, and therefore better for the farmers who use it, to produce this high grade phosphate fertilizer by use of acid instead of electric furnaces. The present cost of sulfuric acid in southern Idaho is about $16 per ton.

Yet in spite of the experience of fertilizer manufacturers who must invest their own dollars and who, of necessity, adopt the most efficient and economical methods, the enthusiasts for Federal power at Hells Canyon have used the red herring of phosphate fertilizer to attempt justification of their pet scheme. When farmers hear the truth, they will not fall for fables about Hells Canyon.

With reference to the high-dam proposal, some people may have been led to believe that bigness, somehow, is proof of goodness. That is not necessarily true. When bigness adds up to a wasteful and unnecessary expenditure of taxpayer's funds amounting to hundreds of millions of dollars merely to satisfy the Federal power program of Truman, Chapman, and Straus, it becomes a monstrosity.

Regardless of frenzied ballyhoo from Fair Deal apostles who paint a phony picture of Hells Canyon, resource development must proceed on a basis of merit and service to the public. That is what the Power Commission is testing in this case. I am confident they will fulfill the function given them by law—that of protecting the public interest.

JOSEPH A. ROGERS

The SPEAKER. Under previous order of the House, the gentleman from Kansas [Mr. MILLER] is recognized for 20 minutes.

Mr. MILLER of Kansas. Mr. Speaker, I have come to the well of the House to do a most unusual thing. I have come to pay tribute here in what is in many respects, the greatest forum of the world, to a common man, and through him to all the common people of this Nation. I have come neither to praise him nor to bury him. The former he does not need, the latter has been done. The obituary published in the Sabetha Herald of July 15, 1953, states that Joseph A. Rogers was born at Cawker City, Kans., March 12, 1876. I first knew Joe as a young man who took day labor jobs on different farms in northeast Kansas. I remember when he married one of the clean wholesome young women of the neighborhood, such as are born and reared in the clean, wholesome, everyday families of this country. They reared a family of 7 children; 4 boys and 3 girls.

As I think of the Joe Rogers' family it seems to me that everything about it was of the common people.

But the one thing that I wish to speak of in particular today is the fact that Joe Rogers was, in every respect, an honest man. This, too, is a common trait among the people who make up the population of my congressional district. I like to believe it to be true of the common people of every congressional district in the Nation.

Through a period of several years Joe Rogers worked for me from time to time. If we ever had an agreement as to wages I cannot recall it. Likely we had the first time or two that I employed him. I do remember that on one occasion a neighbor asked me what I was paying Joe. I replied, "I do not know, whatever is right." He asked: "Are you not afraid he will hold you up?" and I replied: "You do not know Joe Rogers." I do not know, now that I am writing an encomium on his life, how I could pay him a higher tribute. Joe lived to be 76 years of age. Nature claimed her own on July 7, 1953.

Joe Rogers was not only not dishonest, he was honest in a positive way. He not only would not shortchange in money, he would not shortchange in service. That is the kind of honesty—honesty in service—that is real. That is the test, because it is the kind that can be concealed.

I not only knew that Joe Rogers would not demand an unreasonable wage, I also knew that, whether I was present or absent, he would give honest service.

Mr. Speaker, I am happy to say that I believe that this trait of character—no, it is more than a trait, it is character itself—I believe it is characteristic of the common people. I wonder whether it may be true that the common people, the people who desire only to live and let live are uncommonly honest. If this be true the common people have a wealth that the richer class can envy them without breaking one of the commandments; for it is not written "Thou shalt envy no man his honor."

Mr. Speaker, I have, in the time since coming to this House, listened to eulogies of many famous men. I have heard the Members of this body extol the virtues of our colleagues, a number of whom have been stricken down by the hand of death, even in the few months since the convening of the present session. Brave men they were; successful men, men of high purpose and of unimpeachable honor. They were men whom this Nation could ill afford to lose.

I have listened to the eulogies of men outside the membership of this body, men who made for themselves a name in business, in education, in religious affairs. They, too, are missed from their accustomed places. They, too, can ill be spared from the homes, the communities, the institutions in which they lived and did their work.

It is well, Mr. Speaker, that this House provides a national forum in which opportunity is afforded to place in the permanent record of this Nation a part of the life history of the outstanding men and women who have done so much to advance the well-being and maintain the high standard of human conduct of the people of our country. It was my own opportunity and pleasure to commemorate the life work of the illustrious flier, Amelia Earhart, on the floor of this House only a few days ago. She was a daughter of one of the common families of my district, and we were all proud of her. This is as it should be. We cannot too often hold up to ourselves, and more especially to the youth of the land, the good lives and noble deeds of the men and women of this Nation who have finished their course and kept the faith.

But, Mr. Speaker, I do not come before the membership of this House to eulogize those great and outstanding individuals who have made names for themselves. I come to speak a word for the common, everyday man and woman who make up the great major portion of the people of our cities, our towns, and our countrysides. It is they who constitute the strength of the Nation. It is they, the common people, who do the work. It is they who make possible the progress of the Nation.

Mr. Speaker, let us take a look around at the average people of this country, and let us begin here within the walls of Congress. Which one of the Members of this House does not have a number of men and women employed in his office who are doing their work better than he could possibly do it? And their work is as important as our work. In fact, it is our work. And that statement holds good for all the branches of this Government, excepting possibly the judiciary.

It is equally true, it is even more true, of every business institution in the United States, and the larger the institution the more true it is. We, all of us, have men

and women about us, doing our work, who are equal to or better than ourselves. I am speaking of that great major segment of society whom Lincoln had in mind when he said:

God must have loved the common people, for He made so many of them.

It is the common people, the unambitious people, the people who are satisfied to make a decent living and let it go at that; the people who, not desirous to acquire their neighbors' houses and lands, can lie down at night and sleep the sleep of the innocent and the just. These are the people who formed the great bulk of the population at the time of the adoption of the Constitution of the United States, and who are the great majority of the people of this Nation today. These are the people who constituted the strength of this Nation from the Declaration of Independence until the present hour. These are the people without whom there would be no nation. These are the people who felled the forests, who plowed the stubborn glebe, who builded the cities, who mined the ores, who built the churches and the schools—yes; and who furnished the teachers, the preachers, the merchants, the legislators, the judges, and the Presidents of this Nation. Call the roll of the great names in the history of our country and see how many of the so-called famous are two generations removed from the farm, the mine, and the factory. It is said that there are but three generations from shirt sleeves to shirt sleeves.

Mr. Speaker, it is in behalf of this, the common man, that I raise my voice today, not to do him a favor—he does not ask it. I raise my voice only to give him credit for what he is and for what he means to this country. He is the one indispensable element in our conglomerate society. Out of his ranks every other rank can be filled, and yet his own ranks would not be depleted. His ranks are the reservoir from which all others are supplied. Suppose the soldiers raised in the families of the common people were to be taken from the ranks of the Armed Forces. There would be no Armed Forces. Suppose the men and women of the common herd, as some are wont to call them, were to be withdrawn from mine and mill and store and office. All the industry of this Nation would be at a standstill.

The corridors of this Capitol are lined with the figures of men famous in the history of this Nation. That is as it should be. I would not pull greatness down. I would lift service up. I would have this Nation give recognition to the fact that true greatness lies in unselfish devotion to the common duties of life.

The rank is but the guinea's stamp.
The man's the gowd for all that.

This is the greatness that was in the mind of the Teacher of Nazareth when He said:

Let him who would be greatest among you be the servant of all.

Come with me, if you will, into the house of a laboring man; sit with him at his table as I have sat. What is the subject of his conversation? Is it speculation in stocks and bonds? Is it how to add house to house and land to land? No; it is not. It is about his work. It is about how many plowshares he sharpened, how many acres of corn he planted, how many tons of coal he mined, how many bars of steel he handled, how many quarters of beef he hung on the rails, how many cars he set out on the switches, and how many automobiles he serviced. These are the subjects of their conversation. They are satisfied with their jobs; they love to do their work. All they want—all they ask—is a decent recompense for honest labor; ability to live and bring up their children in decency and honor. This they should have. This they always should be able to command.

Mr. Speaker, these are the charms of the homes of the common people of every land, of every time. It was "charms like these" that "taught 'em toil to please." The common people never sought advantage. They never did go astray. They were sometimes led astray by ambitious demagogs, but they never did deliberately go astray. There is something about labor with the hands that burns the dross out of the blood—something that keeps the virus of evil out of the human brain. No nation in which the common people are well employed needs fear a revolution; nor does it need to fear the inroads of base and erroneous ideas. I am firmly convinced that the only way to combat new and dangerous "isms" of any kind is with a better "ism." Evolution is not dangerous, either in nature or in government. It is to be desired. This Government is evolving. It must continue to evolve. We have amended our Constitution more than 20 times, and we shall continue to amend it. Revolution is only evolution too long deferred. It is the explosion of pent-up ideas.

The only element in any nation large enough to develop explosive energy sufficient to create a revolution is the common people. You never heard of a revolution of businessmen, of professional men, of white-collar workers. Put them all into a bag and shake them up. They would not explode. No; revolution must come from the common man, from the masses, and it can result only from the ferment of injustice.

Mr. Speaker, there are many good citizens who are fearful of the future welfare of this Nation. I am not one of them. I am one who believes that we have but to give equal justice to the common, everyday people of this country, and no power on earth—no combination of powers—can overcome them; no insidious propaganda lead them astray. Do but give justice to the common people and this Nation will never need fear either revolution from within or foe from without.

SOCIAL SECURITY ACT AMENDMENTS

The SPEAKER. Under previous order of the House, the gentleman from Kentucky [Mr. PERKINS] is recognized for 30 minutes.

Mr. PERKINS. Mr. Speaker, for quite a period of time I have been concerned about the failure of this Congress to take action to improve our social-security laws, and the type of amendments that may be proposed by this administration.

During the 82d Congress this body and the Senate passed an act known as the Social Security Act Amendments of 1952. It went before a conference committee. That conference committee made a report to the House which also approved and concurred in it with the Senate enacting Public Law No. 590. The statement of the managers on the part of the House included the following commitments which when approved by this body, in my opinion, are commitments by and on the part of this body. Two of these statements were as follows:

The first:

It is the intent of the conferees that hearings will be held on the entire matter early in 1953 and at that time the congressional committees will go into the administrative and other provisions. It is intended to obtain the views at that time of interested groups on the methods of obtaining evidence of disability, under what circumstances and by whom determinations should be made, and whether or not these provisions or any modification thereof should be enacted into permanent law.

The second, which is self-explanatory, relates to the inclusion of certain State or local employees who are now under their own retirement systems.

The conferees by this action intend in no way to imply that they do not favor the inclusion of similar provisions in the law; it is the intent of the conferees that the entire matter of the extension of Federal coverage to employees already covered by State and local retirement systems will be explored thoroughly early in 1953, when the disability provisions are to be reexamined.

For emphasis, let me repeat, that I cannot see how the acceptance of this report can be considered other than a commitment on the part of the House. This commitment to hold hearings on the entire social-security program during the current session of Congress, or as the conferees stated in the early part of 1953, was a major factor in my acceptance of this report, and I dare say the same applies to other Members. The inclusion of a disability provision in the Social Security Act, however mild, gave hope to thousands of disabled workers that they would not lose those rights because of their physical inability to continue in gainful employment.

I am sure that many would agree with me that this provision came 15 years late and was entirely inadequate due to the fact that it did not consider a disabled worker in the same class as a worker of 65 and presumed to be disabled because of age. The second commitment refers to the provision to allow their own local and State employees to elect coverage even though they had a retirement system. The act allows local and State government employees who do not have their own retirement system to elect coverage but eliminates a large number of local and State employees who are covered by their own and too often inadequate retirement systems. I offer the following examples of probable results of the failure of the 83d Congress to carry out their commitments and hold hearings on the Social Security Act of 1953.

Take the case of a middle-aged farmer who in 1944, after repeated urging from

his Government to enter war production work as a patriotic duty, left his little farm and became an industrial worker at the age of 45. He continued as an industrial worker through 1953, acquiring some 30 quarters of social security coverage including 8 subsequent to January 1, 1951. Late in 1953, he becomes permanently disabled as an industrial worker and is not even able to return to his old occupation as a farmer. If he had been 65 at the time his disability began, his social security retirement rights would have been $85 per month, but at 53 they are nothing. If he dies within the next 8 years or by the time he is 61, his survivors will have some social security rights which will be decreased by approximately $3 per month for each year he survives until he is 61. By the time he is 65, he will have long since used up his meager savings, cashed his few Government bonds, and exhausted his social security rights. His wage records in the Baltimore office of the Social Security Administration will be valuable to no one except the researchers and archivist.

In another case, we find a State government employee such as a skilled mechanic who kept the State highway machinery in operation during the period of World War II and was urged to stay on the job which was as essential as that of the railroader or the shipbuilder. This man continued on the job through 1954 when, after long years of service, at the age of 60 his eyesight failed him so he could no longer do his work. At the age of 60, having lost his ability as a mechanic, through physical failures, he has no possibility of further employment. Even though he has been frugal, his meager savings evaporate rapidly and will be entirely gone by the time he is 65. He discovers that his disability has not only exhausted his savings, but it has also exhausted his social security rights due to the fact that he had only 4 years coverage and 5 years to go before he reached retirement age.

These are not imaginary cases that do not happen. I receive numerous letters along this line. I quote the following statements from a letter I received July 16, 1953:

> I thought I would write to you about my social security, because I think I am entitled to it. I think I am entitled to it, Mr. Perkins, because I have paid into it a good many years. I am a wheelchair patient and I can't walk. I don't know if you remember it or not but I was hurt in Kentucky in November 1943 at Wayland, Ky. * * * I was paralyzed and will never be able to walk. * * * I do not draw any State compensation at all. As you know, one must have money to live. * * * If I do not need it now, I will certainly not need it after I am gone.

Is any commitment made by this body such as approval of the conferees report of 1952 to be considered a sacred obligation to workers in circumstances similar to the above examples, merely scraps of paper to be used as a campaign slogan and forgotten when the campaign is over?

Prior to the time that General Eisenhower was nominated for the Presidency, he made this statement in Galveston, Tex., on December 8, 1949:

> If all that Americans want is security, they can go to prison. They'll have enough to eat, a bed, and a roof over their heads.

Also, in a speech to the Columbia University students he stated:

> In these times we hear so much of security, security for everything we do. * * * I should think that the best example of it (perfect security) would be a man serving a lifetime in a Federal prison.

But, during the campaign, Mr. Speaker, last fall, President Eisenhower stated:

> I am particularly concerned about the present inadequacies in the social-security law and feel strongly that the law ought to be extended to presently uncovered persons.

I entertain the latter viewpoint as expressed in the various statements of President Eisenhower concerning social security.

Early in the session, on February 26, 1953, when the gentleman from Pennsylvania [Mr. EBERHARTER] was urging Congress to take action on social-security legislation, he yielded to me and I made the following observation:

> Mr. Speaker, I wish to compliment the gentleman from Pennsylvania [Mr. EBERHARTER] on his statement. I have always felt that our social-security laws should be further liberalized and broadened without doing any harm to the present social-security trust fund. This fund deserves the special attention of every Member of this body because any plan that would make workers who contribute to the present fund pay for those who do not contribute to the fund is damaging on its face.
>
> I feel that we should go even further and enact a disability provision which will take care of the permanently and totally disabled. Such a provision was in the bill enacted by this body in 1949 but was deleted in the Senate by the Knowland amendment, thereby placing the people with disabilities in the same category as the people on old-age assistance.
>
> Naturally I agree with the statement made by the gentleman from Pennsylvania that we should permanently freeze rights of workers during periods of total and permanent disability so that they would not lose benefit rights because of their disability. Pensions to the aged, widows with children, the blind, the totally and permanently disabled, and the retired employee should be raised.
>
> Mr. Speaker, I likewise agree with the gentleman that this Congress should fulfill its obligations and commence immediate hearings on legislation to further liberalize our social-security laws, and to include other groups that are not now covered. Employees of State and local governments and of the teaching profession should have the right of coverage if they want it, notwithstanding their own retirement plans.
>
> I join with the gentleman from Pennsylvania in urging the subcommittee of the Ways and Means Committee who have been appointed to study social-security legislation to give this important subject careful consideration at an early date in order that a suitable bill may be reported out and enacted during the first session of the 83d Congress.

I have introduced, during the past year, several bills which I thought would considerably improve our present social-security system, and urged speedy hearings before the committee. More recently I, along with other Representatives and Senators, introduced a bill to increase the protection offered by old-age and survivors insurance by increasing benefits substantially by allowing retired workers to earn up to $100 per month without losing their benefits, by extending the coverage of the system to about 8½ million people, and by providing benefit protection and rehabilitation services for those who suffer the misfortune of becoming disabled before they reach retirement age. This, to my mind, is one of the most important features of the bill, for it will protect the family against fearful hardships so often caused when the provider is disabled. I am convinced that our old-age and survivors insurance system will not become a means of providing real security for our citizens until these improvements have been added.

It is not enough just to extend coverage or to increase benefits slightly, although that is a laudable purpose. But I insist that only with the additional protection outlined in H. R. 6128 and other similar bills will the retired or disabled worker be assured that his family will not be in want. And only with the improvements contained therein can the widows and orphans of workers who die be relieved from the fear of poverty.

First of all, benefits will be increased to bring them up to an amount which is more nearly in line with present-day cost of living. Bear in mind the fact that the average primary benefit under the present system, even with the improvements Congress has made since 1949, is still only about $50 per month. It is unnecessary, I think, to elaborate on the fact that $50 a month, in these times, is no kind of a guarantee of even the most minimum requirements for food, clothing, and shelter.

H. R. 6128 will increase the social security benefit in four ways. It will increase the amount of the average monthly wage used in computing the benefit by basing it on the worker's best 10 consecutive years of covered earnings, instead of upon a full working lifetime, as at present. It will increase the ceiling on earnings counted from the present $3,600 up to $6,000 per year. The new formula, like the old, will pay 55 percent of the first $100 of the average monthly wage, but then it will add 20 percent of the next $400 rather than only 15 percent of the next $200 as is now done. It will restore the increment principal by increasing the amount of the benefit by one-half percent per year for each year of covered employment. And for workers who continue at their jobs beyond the retirement age, it will increase the benefit rate by 2 percent for each such year.

The net effect will be to increase the maximum for a single benefit from $85 to $135, or by about 50 percent. Such an increase is, I feel sure, justified by the upward trend of wages in this country since 1939 as well as by the increase in living costs. I for one believe that a maximum benefit of $135 per month is the best way to make the word "security" mean something in our social-security system.

By extending the coverage of old-age and survivors insurance to some 8½ ad-

ditional persons, this bill will also have the effect of including practically all members of the working force—for approximately 56 million of a total of 60 million jobs will be covered. Newly-eligible for coverage will be about 3.2 million farm owners, men and women in the Armed Forces, farm and household workers not now covered, the members of certain professional groups, including lawyers, veterinarians, accountants, architects, funeral directors, as well as certain groups of public employees who will come under the voluntary-coverage provisions. With the increased benefits and the more extensive coverage, our social insurance system can become a genuine means of overcoming basic economic insecurity in America when old age or premature death overtake the wage earner.

One of the best features of the bill, in my opinion, is the fact that it goes beyond the concepts of our existing system by establishing insurance protection against long-term total disability and against temporary disability as well. It has always seemed completely unrealistic, to me, to deny a man benefits under social security, if he is disabled, permanently and totally, until he reaches age 65. As all of us know, tragedy of this kind is no respecter of age. And under our present system, if such a disability strikes a wage-earner at an early age, he is in danger of losing his old-age benefit as well. This, I admit, is discrimination—and discrimination at a time of family tragedy. Why should we deny benefits—at least until he is age 65—to the man who cannot work because he has suffered the misfortune of disabling illness or injury? For such a tragedy not only means that his wages stop—but also that the expenses of the family are increased.

This is not a new proposal. It has been carefully considered in hearings and the House endorsed a program somewhat less protective than that designed in my bill in connection with the 1950 amendments, but it was deleted in the Senate. Again last year the House endorsed the principle of disability insurance by accepting the waiver of premium principle, thus insuring that a man's insurance status would be frozen at the point of his disability. Again this portion of the House bill was nullified by the conference committee, and left for action in the 1953 hearings. I, myself, have introduced numerous bills in the past which would establish what I believe to be a far more adequate disability program than any of the plans which have received approval. How long, I wonder, is the House of Representatives going to allow itself to be overruled in this matter. In my humble opinion, the sections of my bill covering disability are among its most important features, and I intend to stick with this principle until we get some action on the matter.

Why, someone may ask, do we need disability insurance? Let us look at some of the figures. Over 2 percent of the civilian population between the ages of 14 and 65 are unable, on an average day of the year, to go to their jobs because they have been disabled for 7 months or more. And since only one severe disablement in 20 arises out of and in the course of their employment, the other 19 cannot qualify for workmen's compensation. Usually the rate of disability increases with the age of the worker—although, as all of us know, long-term total disability is no respecter of age, diligence, or earning capacity.

My bill would provide monthly cash benefits, immediately for temporary disability, and after a 6-month waiting period, to totally disabled insured workers and to their dependent children and wives. With these benefits it would combine rehabilitation services designed to help the disabled worker to overcome his handicap either in his regular job or, if the disability makes that impossible, in another kind of work through a retraining process. I believe this is sound policy. For our social insurance system would move in at a time when family need is greatest, to pay cash benefits.

At the same time, other methods of rehabilitation which we have in this country would be available to help the family return to the self-sufficiency of a regular pay envelope in many cases. I believe that the investment of social security funds in rehabilitation services will prove to be a source of net profit to the country. I make this statement particularly because of the evidence to which I have listened attentively before the House Education and Labor Committee on hearings in behalf of the physically handicapped, during the past 3 weeks—such outstanding witnesses, for instance, as Dr. Howard A. Rusk, associate editor of the New York Times of New York City. There is no doubt in my mind but that the preponderance of the evidence clearly indicates that future Federal tax payments by rehabilitated workers should exceed the total costs of rehabilitation.

Disability arises from a wide variety of conditions—blindness, heart disease, injuries, and many more. We can, by means of my bill, use all of the miracles of medical discovery to help the victims back from the pit of despair to a useful place in society. Advances in surgery, physical medicine, and other techniques have, especially since World War II, made it possible for us to restore many people whose condition would previously have been considered hopeless to lives of usefulness. It is time we put these improvements to work on behalf of the men and women who need them, but cannot afford them for the very reason that their wages have stopped with the onset of their disability. My bill would accomplish this purpose.

But someone will say, the Congress established a program for the disabled in 1950. Now it is true that, in the compromise with the Senate during which the House disability insurance plan was deleted, a public assistance program covering total and permanent disability was established. But, Mr. Speaker, there is a world of difference between a public assistance program for disabled persons, and the kind of insurance program I propose. In an assistance program no help at all can be given until the disabled individual's assets have all disappeared and his morale has been shattered. Most people who have been financially independent all their lives will go for a long time without asking for help. The tragedy here is that the longer they wait the harder rehabilitation becomes. Disability insurance, on the other hand, is designed to conserve our human resources by moving in as rapidly as possible to meet not only the wage loss suffered by the family, but also to set the pattern for rehabilitation before discouragement and defeat have taken their toll of the physical and psychological, as well as the vocational capabilities of an individual. And that is the reason that my bill includes protection against temporary disabilities as well as those which represent a long-term problem.

Disability insurance as part of the Federal old-age and survivors insurance program would not create new costs for business or for the economy. Social insurance, like private insurance, is an orderly and economical method of sharing risks and providing in advance for the cost of those risks if they occur. Moreover, I want to point out that, contrary to some of the charges which have been made, the cost of administering such a program would not be excessive, especially as it would be associated with the old-age and survivors insurance plan. Employers would have no new tax forms to prepare and no new records to keep. And the existing payroll record system, maintained for old-age and survivors insurance, would serve the new program. On the basis of the records established by the present system alone, I feel sure the Federal disability insurance system would pass the test of economy and efficiency in all respects.

Now I realize that mine is not the only proposal which will come before the Congress for improving social security. One proposal, which has received much publicity in the world of business, is that of the United States Chamber of Commerce. On the surface it sounds pretty good. It would extend coverage of old-age and survivors insurance to all gainfully-employed people, and it would blanket in all aged retired persons 65 and over, regardless of whether or not they have been covered by social security in their working life, or have contributed to the fund. But let us look at the other side of the picture. This plan would also transfer the old-age assistance programs back to the States, taking the Federal Government out of the picture entirely. And one of its major purposes is to reduce the trust fund of old-age and survivors insurance which now stands at around $17 billion down to a shoestring. That is what they mean by some clever and attractive terminology "pay-as-you-go" financing.

Now, first of all, let us look at this proposal to do away with Federal participation in the old-age assistance programs. The argument advanced here is that there will be no need for the Federal Government to help because most assistance recipients will be receiving old-age and survivors insurance benefits. The point to watch here is that these

people will, according to present plans, be blanketed in at the present insurance minimum of $25 per month, with corresponding fractions of the primary benefit for dependents and survivors. That is just about half of the average old-age assistance benefit in the United States today—a payment in which the Federal Government participates far more substantially than half. The effect here, as you can see, is to transfer the costs to the taxpayers of the respective States.

Remember, too, that there are no uniform standards for old-age assistance, beyond the standards provided to qualify for Federal grants-in-aid. They are determined by the States and differ from one State to another. Thus the program would become subject to pressures which might shoot up benefits to an amount out of all proportion to equity in some States, while in others they might drop to the levels of depravity.

Now I believe that the insurance program should, as was originally planned, become the basic system for old-age security in this country. But I do not propose to abandon it until we have established a really comprehensive and protective insurance plan. And even then, I am sure, there will be circumstances which only an assistance-type plan could cover.

The United States Chamber of Commerce proposal has another sleeper which, to my mind, is of the utmost concern to all of us. This is the proposal to liquidate the trust fund, for all practical purposes, and go on a so-called pay-as-you-go basis. The justification used for this proposal is the old familiar charge that the trust fund is "unsound financing" because the money invested in Government bonds is used for current expenses instead, for example, of being placed in a steel vault.

That charge, which at first causes uneasiness, has been answered and repudiated again and again. With a little time to think it over, all of us can understand that it would be as unreasonable for the Government not to invest this money, as it would be to ask your bank not to invest the money you deposit there.

The simple truth of the matter is that, if those Treasury bonds were not sold to the trust fund, they would be sold to somebody else—either individuals, banks, insurance companies, and so forth, or the Congress would have to raise the money some other way. The fact is that the sums collected through the payroll tax and invested in Government bonds do not add one nickel to the amount the taxpayers would have had to pay if somebody else owned the bonds.

And right here is where the idea of investing old-age and survivors insurance payroll taxes in this way has a special advantage. Because under our present methods, the interest received on those bonds stays in the fund, increasing it by that amount, or helping to pay the benefits. If the interest on those same bonds went to an insurance company or a bank instead, you can see that we would lose by that much. Just as we expect the money we invest in other enterprises to increase in value through the interest it earns, so our old-age and survivors insurance trust fund benefits from the interest it receives.

We are all vitally concerned about the payments by our Government necessary to carry on the welfare programs in the States. Let us narrow the gap by extended coverage, as proposed in my bill and other identical bills pending in Congress, and eliminate the greater part of this cost. The greatest objection to the present system is that many millions have been denied the opportunity of participating. Outside of appropriations for the State welfare programs—and all the people are legally and morally responsible for the welfare of this group—the old-age and survivors insurance does not cost the Federal Government one penny. The program is on a pay-as-you-earn system, with a sound reserve, invested in Government bonds sufficient to cover all accrued obligations. This is the way it should be at all times. This group is entitled to benefits purchased and paid for instead of charity, but let us all assume our duty and meet this responsibility instead of destroying the trust fund.

The little people, the rank and file, are not going along with this "Cadillac crusade" to destroy the trust fund. Many groups have welfare funds. For example, the coal miners have an excellent welfare fund. Mr. Speaker, these groups are also entitled to a sound social-security program. The President should discourage any onslaughts against this trust fund because it will bring about an endless fight in Congress. After all, this Congress will not accept the plan.

I would like to ask the different groups throughout the Nation whether or not they are willing to relinquish their investment in this trust fund. This assault on the trust fund is, in my opinion, only a method of attack at the very roots of our social-security system. All the different groups in this country who have been contributing to the trust fund with an understanding that their benefits would be based on earnings, certainly would not desire to relinquish their equity in this fund; and bring about an end result which would almost certainly be that the payment of their social-security benefits would depend on appropriations at the whim of a given moment, or clique.

Is that the type of security that we want when we pay for it? In the place of an established pattern of benefits, they would vary up and down. In a word, scrapping the trust fund would knock the word "security" out of our social-security program. Such proposals are not fair to the men and women who have been making their regular tax contribution in anticipation of a given standard for benefits. They are, I firmly believe, designed to keep our social-security payments at the minimum level. And they are also, in a sense, a repudiation of an obligation which the Government has accepted.

Mr. Speaker, I am hopeful that the administration will follow through and live up to the latter statements made by President Eisenhower on social security. I am also hopeful that no action will be taken to destroy the trust fund. Merely extending coverage and increasing benefits is not enough. Why not other improvements, as above outlined, such as disability benefit provisions?

REPUBLICAN ATTACKS ON SOCIAL SECURITY

The SPEAKER. Under previous order of the House, the gentleman from California [Mr. HOLIFIELD] is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, social security has done a lot to enhance the welfare and purchasing power of the people of America, and to most people it is an accepted part of our life. Technically, social security covers a great many programs, unemployment insurance, maternal and child health and welfare programs, public assistance for the needy, the blind, the disabled, and dependent children. To most of us, however, the words social security primarily mean old age benefits for us when we retire and life insurance for our families when we die. It is about the old-age and survivers portion of social security that I shall speak today.

I am particularly interested in the old-age insurance program because I represent part of a county in California which has more people over 65 years of age than any other county in the United States-Los Angeles county. The 1950 census showed that Los Angeles County had almost 378,000 people over the age of 65. Cook County in Illinois, which contains Chicago, came next with 338,000 and Kings County in New York—which comprises Brooklyn—came in a close third with 322,000.

I think a few figures will be useful in showing how important a part of American life old-age insurance has become. Over 65 million persons are insured by the program. In June 1953, 5,500,000 were actually receiving cash benefits; 1¼ million of these were widows and children; the other 4¼ million were retired persons over 65.

During last year's Presidential campaign, I was particularly interested in seeing what the Republican Party and its candidates would say about Social security. I felt sure they would at least pay lip service to social security, because they realized that the American people acepted it as part of their lives.

I was right, the Republican platform and candidates not only said they were for social security but they even promised to extend social security. I must admit that I and many other Democrats who knew the Republican record against social security were surprised at hearing those Republican promises. We remembered all too well when the Republican Party fought the introduction of social security in 1935. One Member of this House said it would "enslave workers"—Representative TABER—and in the 1936 campaign, the Republican presidential candidate called social security a cruel hoax.

We remembered all too well that the Republican 80th Congress denied to over 500,000 workers social-security coverage and that the Republicans in the 81st Congress tried to block Democratic improvements in social security.

We remembered very well when General Eisenhower—long before he was a candidate said that—

If all that Americans want is security, they can go to prison. They'll have enough to eat, a bed, and a roof over their heads (December 8, 1949).

We tried to warn the American people that once the election was over, the Republicans would not keep their campaign promises about improving and extending social security.

And, unfortunately, we were right. Since the election, the only Republican action we have seen on social security has been against social security rather than for social security.

In all fairness, however, I must point out that Republican promises still continue. For example, in his state of the Union message, President Eisenhower said that old-age insurance should promptly be extended to all persons not now covered. And the 11-point Republican legislative program—announced by Senator TAFT and Speaker MARTIN after a visit to the White House promised the same goal, and promised consideration during this session of Congress.

Need I remind the gentlemen of this House, that less than a week remains of this session, and no bills for improving and extending social security have yet been presented to Congress for action by the Republican leadership. Indeed, as far back as February of this year the chairman of the House Ways and Means Committee, admitted that the special subcommittee which he had set up to make an exhaustive study of social security would most likely not report in time for action this session.

These Republican acts of omission, however, are nothing compared with their actions of commission.

In the opinion of many of us, the most dangerous action thus far taken is not, properly speaking, a Republican action—as yet. I refer to the full-scale campaign being led by the United States Chamber of Commerce to put the social-security system on a so-called pay-as-you-go basis.

This scheme is couched in some of the nicest sounding words a Congressman ever heard—saving money by the elimination of relief payments and grants-in-aid; giving insurance—not relief—to all retired persons not now getting social security; broadening coverage so that all workers will get social-security protection. Unfortunately, these nice-sounding words are merely sugar coating for a plan to reduce the old-age trust fund, to endanger future benefit increases, and eventually to subject old-age insurance to the unpredictability of annual congressional action. Should this come to pass, retired men and women will never know from one year to the next whether Congress will vote them the pensions they have paid for throughout their working lives. Social security, as it was conceived in 1936 and as we know it today will be dead.

But before I go into details on this chamber of commerce plan, I would like to touch upon some of the other danger signals for social security that have appeared on the Republican horizon.

First of all, the people in charge of the exhaustive study of social security being conducted by the special subcommittee of the House Ways and Means Committee are frank and outspoken in their opposition to our social-security system. In 1949, for example, Chairman CARL CURTIS, of Nebraska, called our social-security program totally unmoral. In 1948, he voted to deny social-security protection to over 500,000 workers, and in 1949, when the Democrats proposed a bill to strengthen social security, he voted for a weaker, watered-down substitute bill. Congressman ANGIER GOODWIN, of Massachusetts—another Republican member of the subcommittee—voted the same way.

This subcommittee has also put at the head of its professional staff a Mr. Karl Schlotterbeck. Mr. Schlotterbeck coauthored a book in 1950 called The Cost and Financing of Social Security. The Assistant Director of the Bureau of Old Age and Survivors Insurance wrote a review of that book in the October 1950 issue of Public Welfare, and I would like to quote a little of what he says about the work of the man who is now being put in charge of revising our social-security system:

The main argument of the book is that the present social insurance system should be abolished and a universal means test substituted. * * * The volume is obviously not a work of serious research but a political tract prepared in a hurry in an attempt to persuade the Congress that * * * it might better abolish social insurance and substitute relief for all.

My reaction when I heard about the subcommittee and Mr. Schlotterbeck's appointment was the same as when I heard that Albert Cole was being put in charge of housing. My Democratic colleague over in the Senate—HUBERT HUMPHREY—aptly described it as a case of "putting foxes in charge of the chicken coop."

Another Republican danger signal appeared when Mrs. Hobby stacked her social security consultants with key representatives of the chamber of commerce. Four out of the first six consultants appointed by Mrs. Hobby to advise her on social-security matters were members of the chamber's committee on social legislation—the committee which is the spearhead of the chamber's drive for adoption of its proposals. The first two meetings of the new consultant group were held without any representation from organized labor. Not until the third meeting were representatives of the A. F. of L. and CIO included.

Another danger signal was revealed when President Eisenhower recommended postponement of the social-security tax increase which Congress had scheduled for next January 1. This is one of the steps advocated by the chamber of commerce as a way of gaining their dangerous goal of the vastly reduced social-security trust fund which I mentioned briefly before and which I will discuss later in more detail.

There are many other scattered signs—which while not too significant individually—add up to an attitude on the part of the Eisenhower administration which does not bode well for the welfare and security of our older citizens. For example, when Mrs. Hobby issued a statement on the cuts she had made in the Truman budget for 1954 she said the cuts were in line with the Republican policy of promoting, not providing for, the general welfare. She pointed to the preamble of the Constitution as her basis for this approach. Unfortunately, Mrs. Hobby did not read further in the Constitution a section describing the powers of Congress where, in the very first section, it specifically says that Congress shall have the power to provide for the general welfare.

The Eisenhower administration, in giving the Federal Security Agency Cabinet status, made the job of the Commissioner of Social Security a political appointment for the first time in history. Arthur Altmeyer, a career servant, who has been head of social security for 15 years, was fired 4 weeks before becoming eligible for full survivors benefits under the civil service retirement system. This is short shrift for the man who has earned the title of the father of social security, through his nearly 20 years of service. It is interesting to note that as of July 27—almost 4 months later—Altmeyer's successor has still not been appointed.

But now for a more detailed picture of the chamber of commerce proposal. Basically, this plan, under the guise of improving social security, could actually lead to the undermining of social security. As someone aptly said, the chamber of commerce wants to transform social security into a program which will be neither social nor secure.

One of the most alluring slogans in the chamber of commerce campaign is "putting social security on a pay-as-you-go basis." At the moment, the social security trust fund takes in a great deal more each year from payroll taxes than it pays out in benefits. This is because the social-security system is relatively young, and a great many more people are paying into the system than are drawing benefits. As time goes on, this situation will change, with more and more people reaching retirement age and beginning to draw benefits. The excess of current income over current outlays is being used to build up a reserve fund, now totaling $18 billion, toward the day when larger benefit outlays will be necessary.

What the chamber of commerce means by "pay as you go" is to limit payroll taxes so that the trust fund's income each year will just equal the outlays for benefits. This will mean drawing down the reserve fund now being built, and can have very dangerous effects upon the social-security system.

First of all, it could easily prevent any future benefit increases—and might very well cause an actual reduction in the size of benefits. Leaders in the chamber's social legislation committee have openly admitted that they think benefits are already too high. [Leroy Lincoln, at Louisville, Ky., on April 10, 1952, and Leonard Calhoun, American Economic Security, May-June 1952.] I should like to inquire of the Members of this House whether or not they think the workers in their districts would agree with Mr. Leonard Calhoun and Mr. Leroy Lincoln, of the chamber of commerce, in these beliefs.

The chamber's proposal would endanger benefit increases because it would seriously deplete the present $18 billion OASI trust fund from which benefits are

paid. The chamber's proposal would deplete the fund by loading the social-security system with noncontributors. Under the chamber's proposal, everyone over 65 would be entitled to a pension, whether or not he had contributed to social security. People who never paid into the fund would be entitled to pensions—namely, people who now are getting old-age assistance as well as others over 65 who are covered by neither social security nor old-age assistance payments. I am not at all opposed to helping our senior citizens in their old age, but I am opposed to the method proposed to pay for this help. I see no reason why the money paid into the trust fund by working men and women of America for their own pensions should be diverted to pay for the pensions of others. The cost of these pensions should be borne out of the general tax revenues which are paid for by everybody in the United States on the basis of ability to pay.

The chamber's proposal would reduce the trust fund in another way, namely by cutting down on the size of the payroll tax, permitting only enough contributions to be put into the fund each year to balance the amount of benefits paid out. We would no longer follow our present system whereby we pay more into the fund each year than we pay out so as to build up a reserve to pay for future retirements. I should like to point out that the idea of a large reserve fund is one which is in accordance with sound actuarial principles used by the big insurance companies of America. It strikes me as odd that the Republican administration—which is hardly known for its aversion to big business—should be tempted to reject sound business practices.

Yet the Eisenhower administration has already taken steps to promote the pay-as-you-go principle. In his message to Congress on taxes, President Eisenhower recommended postponement to 1955 of the payroll tax increase scheduled for next January 1. He went further and virtually gave a green light to the Chamber's plan when he said:

> From now on, the old age tax and trust accounts * * * should be handled more nearly on a pay-as-you-go basis.

This so-called pay-as-you-go idea could easily make old age insurance undependable. Instead of being a pay-as-you-go system it would become a hand-to-mouth system.

The present democratic system, with its growing trust fund and its schedule of automatic payroll tax increases, means that the system is self-contained, assuring uninterrupted operation year after year. Since the benefit payments do not come from annual appropriations, it means that the amount of funds for the payment of benefits is out of the area of political debate, and that the workers of America have the security of dependable, regular pensions.

The chamber, however, wants to change this. They want Congress to decide each year how much taxes are to be levied. The impression they give is that they expect Congress to levy enough payroll taxes each year to pay back into the fund the amount of benefits paid out in the previous year. I am fearful that Congress will not levy enough taxes to replenish the fund. This is not a baseless fear we had a very clear example of the dangers of pay-as-you-go earlier this year when this House refused to appropriate funds to pay the Government's share of the retirement fund for civil service workers. The argument was given that there was a surplus in the retirement fund—so why bother replenishing the fund to make up for the outlays.

I fear that the same thing will happen to the old-age trust fund contributions. If every year the Members of Congress who prize an economy record and a balanced budget above all else get a whack at those social-security payroll taxes, I am afraid they will put less and less back into the fund every year, and the fund will dwindle.

And as more people reach retirement age, the burdens of pension payments will creep up to such staggering proportions that Congress would have to do 1 of 3 things:

First, in order to bring the fund back to workable size, Congress would have to levy a payroll tax so high that very few workers could afford to pay it.

Secondly, if raising the tax did not work, Congress would have to slash the amount of the pensions to such a low point that they would be worthless.

Or third, if neither of the other alternatives worked Congress might actually have to abandon the whole social-security system as we have known it—thus destroying the security of millions of workers who are now counting on social-security pensions for the protection of themselves and their families.

Another major aim of the chamber of commerce plan is to take the needy aged off of relief—usually called old-age assistance—which is paid for out of general tax revenues, and give them pensions drawn out of the social-security trust fund, to which they have not contributed. This would enable the economy advocates to claim that they have succeeded in reducing Federal expenditures by the almost $900 million which the Government now pays in grants-in-aid to States toward old-age assistance.

Although this plan may sound good to the budget balancers who would not mind having an extra billion to play with, it unfortunately would actually hurt the needy aged because it would mean they would get less, not more money each month. The current old-age assistance payments average about $50 a month; the chamber's proposal would cut it to $25 a month. Now, insurance rather than relief in an excellent idea, but not when it means less money to live on.

In addition to hurting the people now on relief, the plan will also hurt working men and women who are contributing to the social-security trust fund, because it places on them unfair burdens. At present, the Federal share of relief is paid out of general tax revenues which are collected on an ability to pay basis.

The chamber, however, would transfer the relief burden to the OASI trust fund which is paid for by workers and their employers on a nongraduated basis without any exemptions. By ending the democratic ability to pay tax system for supporting the needy aged, the chamber is lowering taxes for those most able to pay, and raising taxes for those least able to pay.

And while adding to the workingman's burden, the chamber's proposal may actually reduce the workingman's benefits. Why? Because the money that the workers have been paying into the trust fund for their own pensions will be diverted to pay for the pensions of others who never contributed. In my opinion this is completely unfair. It is another giveaway, not with the Federal Government, but the working men and women of America as the Santa Claus.

Another announced aim of the chamber is to give immediate pensions to about 2.5 million people over 65 who have retired but who are getting neither OASI benefits nor old-age assistance. These are people who never contributed to the trust fund inasmuch as they worked in jobs which were not covered by social security. By and large, they are people who have some income from savings or other sources and are able to get along—granted, not very well in many cases, but get along nonetheless—without either OASI or public assistance.

As in the case of the pensions of the people now on relief, the pension for these retired people would be so small as to be almost worthless. Twenty-five dollars a month or $300 a year is hardly my idea of meeting the needs of our senior citizens.

Another factor must not be overlooked. Giving even these pitiful pensions to this group means smaller pensions for those who have contributed to social security all their lives, since it means a drain on the OASI fund.

If pensions are to be given to this nonneedy retired group, they should be decent-sized pensions, paid for out of the general tax revenues which are collected on the basis of ability to pay.

Another aim of the chamber is to broaden coverage for workers to bring all workers not now covered by social security into the system and to start taking contributions from them. This would include primarily such people as farmers and certain professional people not now covered, and others as well. In this aim of the chamber of commerce I heartily concur. Democrats both here in Congress and in the White House have been proposing universal coverage for years. I am glad to see that our more conservative acquaintances are finally waking up to what we have been saying for years.

I should like to point out, however, that the Democrats are not just satisfied with extending coverage. We feel there are other things that have to be done in order to improve our old-age insurance program.

Benefits need to be raised, not only to keep pace with the increases in the cost of living, but also to provide a greater amount of security and protection for our aged. Surely a nation which last year reached a national income of $300 billion and which this year is turning out goods and services at the rate of $361 billion can afford to devote a larger portion of its income to protecting its

aged citizens. National income has increased almost fivefold since social security started. Our national production of goods and services has increased by almost the same amount. The increase in social security benefits has nowhere approached the increase in the economic strength of our Nation. At present, the maximum monthly old-age payment for a single person is $85, of a man and wife over 65—$127.50, and for a family—$168.75. All of these maximums should be raised. A family, for instance, should get at least $200 a month. In talking about these payments we must realize that the figures I have used are maximum figures. The average amounts actually paid out are much smaller; for example, the average payment for an individual is $50 a month. Is it any wonder that we want the benefits raised?

The limitation on the amount of money a person may earn and still get benefits should be ended. At present if a person over 65 earns more than $75 a month from a job he loses his old-age benefits for that month. He would not however, lose his benefits if the income came from a source other than a job—rent, or dividends on stocks—even if the income ran into thousands of dollars a month. To end this discrimination, the Democratic platform in 1952 urged the complete elimination of the earning limitation. The removal of the limitation will mean that workers over 65 can get the extra income provided by social security, and also continue to be useful and productive citizens for their own welfare and that of the economy as a whole.

The limit on the amount of wages to be taxed and used in computing benefits should be raised from $3,600 to $6,000 a year. This would mean that all the earnings of 96 percent of the workers covered could be used as a basis for computing benefits. Back in 1939, when the limit was $3,000 a year, 90 percent of all covered workers had earnings of less than $3,000. By raising the limit to $6,000 that relationship would be restored.

The retirement age for women should be lowered from 65 to 60. Most husbands are older than their wives. As a result, many wives are still not old enough to qualify for old-age benefits when their husbands reach 65. Thus, many men, I am sure, postpone retirement until such time as their wives reach 65 and become eligible for benefits. Lowering the age limit for women would help many couples to enjoy a longer, more secure retirement.

All persons over 65 who are covered by social security should be given hospitalization insurance without extra cost. To a retired person on a fixed income, the cost of hospital care could be catastrophic. Even if a retired person could afford to pay the premiums on an insurance policy which would cover the cost of hospital care, all too often the insurance companies refuse to give such a man a policy because he is considered a bad health risk. If the social-security program covered such insurance, the risk could be spread over a larger number of people, and our older citizens could know the peace of mind that comes with insurance protection.

Gentlemen, my belief and the belief of many of my fellow Democrats in the improvements I have just suggested are not limited to talk and promises. Thirty of us—both in the Senate and House—just this month introduced identical bills to carry out many of the improvements I have suggested today. The bills also include improvements in other portions of our social-security program—higher unemployment insurance benefits, disability insurance to cover loss of wages because of illness and rehabilitation benefits for the disabled.

The Democratic Party will not stand idly by and allow any steps to be taken which would undermine the social-security program which we introduced in 1935 and which we have worked ever since to improve. We will expose any attempts to harm the program and we shall fight to stop them. But we will do more than merely stop others from hurting the program. We shall continue—as we have done in the past and as we are doing now—to propose and fight for specific, concrete improvements in our social-security system to make sure that the American people will get an ever-growing protection against the economic fears of old age, unemployment, and dependency.

SPECIAL ORDER GRANTED

Mrs. ROGERS of Massachusetts asked and was given permission to address the House for 5 minutes tomorrow, following the legislative program and any special orders heretofore entered.

DENTAL CARE FOR VETERANS

The SPEAKER. Under previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 5 minutes.

Mrs. ROGERS of Massachsetts. Mr. Speaker, I rise to remind the House that there is an obligation to pass the bill (H. R. 6485) to provide for dental treatment of veterans who have been declared entitled to it. It pertains simply to the payment of bills. We are asked to raise the debt limit, but certainly we ought to pay these men. We have a moral obligation to pay them. As to the provision of the appropriation bill to take care of the men, I think the Senator who introduced the provision did not realize that it would debar men who were entitled to this legislation. We should not break faith with these men.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks, was granted to:

Mrs. ST. GEORGE in two instances.

Mr. DONDERO.

Mr. LONG and to include letters and telegrams.

Mr. DORN of South Carolina.

Mr. HAYS of Ohio in two instances and to include extraneous matter.

Mr. KEOGH (at the request of Mr. YATES) in two instances and to include extraneous matter.

Mrs. SULLIVAN and to include a letter from Secretary of Commerce Weeks.

Mr. BOLAND and to include extraneous matter.

Mr. O'HARA of Illinois in three intances.

Mr. EVINS (at the request of Mr. ALBERT) in three instances, in each to include extraneous matter.

Mr. SHEPPARD and to include extraneous matter.

Mr. BENNETT of Florida and to include extraneous matter.

Mr. PHILBIN in five instances in each to include extraneous matter.

Mr. LANE and to include extraneous matter.

Mr. DEANE and to include extraneous matter.

Mr. CARLYLE in three instances and to include extraneous matter.

Mr. HOSMER in two instances and to include extraneous matter.

Mr. O'NEILL and to include extraneous matter.

Mr. DINGELL and to include a statement on the 50th anniversary of the Ford Motor Co.

Mr. DINGELL and to include a statement by the CIO on the freezing of the Social Security Act.

Mr. CRUMPACKER and to include an editorial.

Mr. GREEN and to include a telegram from a former Representative in Congress, Mr. O'Toole.

Mr. ENGLE and to include extraneous matter.

Mr. FALLON and to include extraneous matter.

Mr. MULTER in three instances, one of which exceeds the limit and is estimated to cost $196.

Mr. HILLINGS to revise and extend the remarks he made in the Committee of the Whole today and to include extraneous matter.

Mr. MEADER to revise and extend the remarks he made in the Committee of the Whole today and to include extraneous matter.

Mr. WILSON of California to revise and extend his remarks made in Committee and to include a report.

Mr. RIVERS, Mr. HALEY, and Mr. ROOSEVELT.

Mr. BENNETT of Florida in two instances and to include extraneous matter.

Mr. MILLER of Nebraska in two instances and to include extraneous matter.

Mr. MCCARTHY in two instances.

Mr. SIEMINSKI and to include extraneous matter.

Mr. FRIEDEL (at the request of Mr. LANE) and to include an editorial.

Mr. DELANEY and to include two articles.

Mr. PHILBIN in four instances.

Mr. HOFFMAN of Michigan and to include extraneous matter.

Mr. HAGEN of Minnesota in three instances and to include extraneous matter.

Mr. DONOVAN and to include extraneous matter.

Mrs. ROGERS of Massachusetts and to include an editorial.

MUTUAL SECURITY APPROPRIATIONS—CONFERENCE REPORT

Mr. TABER submitted a conference report and statement on the bill (H. R.

6391) making appropriations for Mutual Security for the fiscal year ending June 30, 1954, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. KEARNEY (at the request of Mr. COLE of New York), for the remainder of the session, on account of personal illness.

Mr. GOLDEN, through August 5, 1953, on account of primary elections in Kentucky.

ENROLLED BILLS SIGNED

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5141. An act to dissolve the Reconstruction Finance Corporation, to establish the Small Business Administration, and for other purposes;

H. R. 5246. An act making appropriations for the Departments of Labor, Health, Education, and Welfare, and related independent agencies, for the fiscal year ending June 30, 1954, and for other purposes;

H. R. 5256. An act to amend the Internal Revenue Code with respect to the retirement of judges of the Tax Court of the United States;

H. R. 5471. An act making appropriations for the government of District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1954, and for other purposes;

H. R. 5805. An act making appropriations for the legislative branch and the judiciary branch for the fiscal year ending June 30, 1954, and for other purposes;

H. R. 5877. An act to amend certain administrative provisions of the Tariff Act of 1930 and related laws, and for other purposes; and

H. R. 5969. An act making appropriations for the Department of Defense and related independent agencies for the fiscal year ending June 30, 1954, and for other purposes.

ADJOURNMENT

Mr. HALLECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 38 minutes p. m.) under its previous order, the House adjourned until tomorrow, July 31, 1953, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

885. A letter from the Secretary of the Interior, transmitting a report on a plan of improvement for Washita River Subbasin, Red River Basin, Okla., and Tex., pursuant to section 9 (a) of the Reclamation Project Act of 1939 (53 Stat. 1187) (H. Doc. No. 219); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

886. A letter from the Chairman, United States Atomic Energy Commission, transmitting the 14th semiannual report of the United States Atomic Energy Commission, pursuant to the Atomic Energy Act of 1946; to the Joint Committee on Atomic Energy.

887. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting its report on the operation of the program set forth in title X of Public Law 429, 81st Congress, for the period ending June 30, 1952, pursuant to section 1003 of Public Law 429, 81st Congress; to the Committee on Post Office and Civil Service.

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. WOLCOTT: Committee on Banking and Currency. H. R. 6648. A bill to amend section 205 of the Small Business Act of 1953; without amendment (Rept. No. 1048). Referred to the Committee of the Whole House on the State of the Union.

Mr. BENTLEY: Committee on Foreign Affair. Senate Joint Resolution 96. Joint resolution to strengthen the foreign relations of the United States by establishing a Commission on Governmental Use of International Telecommunications; without amendment (Rept. No. 1049). Referred to the Committee of the Whole House on the State of the Union.

Mr. BENTLEY: Committee on Foreign Affairs. H. R. 423. A bill to increase the fee for executing an application for a passport from $1 to $3; with amendment (Rept. 1050). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOFFMAN of Michigan: Committee on Government Operations. Fifth intermediate report pertaining to a study of business operations in the defense establishments; without amendment (Rept. No. 1051). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 3306. A bill relating to the reservation of mineral rights in land patented under the nonmineral land laws; with amendment (Rept. No. 1052). Referred to the Committee of the Whole House on the State of the Union.

Mr. DONDERO: Committee on Public Works. H. R. 6080. A bill to authorize the appropriation of funds for the construction of certain highway-railroad grade separations made necessary by the Federal highway system, and for other purposes; with amendment (Rept. No. 1053). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOPE: Committee of Conference. H. R. 4353. A bill to increase farmer participation in ownership and control of the Federal Farm Credit System; to create a Federal Farm Credit Board; to abolish certain offices; to impose a franchise tax upon certain farm-credit institutions; and for other purposes; without amendment (Rept. No. 1054). Ordered to be printed.

Mr. SHAFER: Committee of Conference. H. R. 5728. A bill to authorize the disposal of the Government-owned rubber-producing facilities, and for other purposes; without amendment (Rept. No. 1055). Ordered to be printed.

Mr. TABER: Committee of Conference. H. R. 6391. A bill making appropriations for Mutual Security for the fiscal year ending June 30, 1954, and for other purposes; without amendment (Rept. No. 1056). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WOLCOTT:

H. R. 6648. A bill to amend section 205 of the Small Business Act of 1953; to the Committee on Banking and Currency.

By Mr. METCALF:

H. R. 6651. A bill to stimulate the exploration, production, and conservation of strategic and critical ores, metals, and minerals and for the establishment within the Defense Materials Procurement Agency of a Mine Incentive Payments Division, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CUNNINGHAM:

H. R. 6652. A bill to regulate commerce among the several States and with foreign nations, to regulate supply of crops and to thereby guard against famine and destitution in any part of the United States and its possessions and in other nations, to promote orderly marketing of crops, to insure against unduly depressive price levels, and to establish a board and corporations for such purposes; to the Committee on Agriculture.

By Mr. DINGELL:

H. R. 6653. A bill to modernize the statutes and regulations governing the operation of breweries and the method of collecting excise taxes on fermented malt beverages, and for other purposes; to the Committee on Ways and Means.

By Mrs. PFOST:

H. R. 6654. A bill to stimulate the exploration, production, and conservation of strategic and critical ores, metals, and minerals and for the establishment within the Defense Materials Procurement Agency of a Mine Incentive Payments Division, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PHILLIPS:

H. R. 6655. A bill to amend the charter of the Columbia Institution for the Deaf, change its name, define its corporate powers, and provide for its organization and administration, and for other purposes; to the Committee on Education and Labor.

By Mr. THORNBERRY:

H. R. 6656. A bill to amend the charter of the Columbia Institution for the Deaf, change its name, define its corporate powers, and provide for its organization and administration, and for other purposes; to the Committee on Education and Labor.

By Mr. WAINWRIGHT:

H. R. 6657. A bill to amend the Vocational Rehabilitation Act to enlarge the economic opportunities of blind persons by establishing them in remunerative self-employment, and for other purposes; to the Committee on Education and Labor.

By Mr. CARLYLE:

H. R. 6658. A bill to provide for the conveyance of certain lands by the United States to the county of Cumberland, State of North Carolina, without remuneration; to the Committee on Government Operations.

By Mr. CURTIS of Massachusetts:

H. R. 6659. A bill to increase the amount of Federal aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States; to the Committee on Armed Services.

By Mr. DORN of New York:

H. R. 6660. A bill to provide certain benefits for employees in the field service of the Post Office Department who are veterans of World War I or World War II and Korean action; to the Committee on Post Office and Civil Service.

By Mr. EDMONDSON:

H. R. 6661. A bill to promote the education and rehabilitation of the Indians of the

United States and its Territories; to the Committee on Interior and Insular Affairs.

By Mr. FORAND:

H. R. 6662. A bill to modernize the statutes and regulations governing the operation of breweries and the method of collecting excise taxes on fermented malt beverages, and for other purposes; to the Committee on Ways and Means.

By Mr. FRIEDEL:

H. R. 6663. A bill to increase the amount of earnings allowed social-security beneficiaries, and for other purposes; to the Committee on Ways and Means.

By Mr. HELLER:

H. R. 6664. A bill to extend and improve the old-age and survivors insurance system, to provide permanent and total disability insurance and rehabilitation benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. HOPE:

H. R. 6665. A bill to amend certain provisions of the Agricultural Adjustment Act of 1938, as amended, relating to cotton marketing quotas; to the Committee on Agriculture.

By Mr. KING of California:

H. R. 6666. A bill to amend title II of the Social Security Act to provide that old-age and other monthly insurance benefits shall be payable at age 60 in lieu of at age 65, and for other purposes; to the Committee on Ways and Means.

By Mr. LANTAFF:

H. R. 6667. A bill to amend the National Housing Act, as amended; to the Committee on Banking and Currency.

By Mr. RADWAN:

H. R. 6668. A bill to amend the Investment Company Act of 1940 with respect to small and local closed-end investment companies, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RAINS:

H. R. 6669. A bill to amend section 9 (b) of the Atomic Energy Act of 1946 relating to the exemption of activities of the Atomic Energy Commission from State and local taxation; to the Joint Committee on Atomic Energy.

By Mr. REED of Illinois:

H. R. 6670. A bill to amend title 17, United States Code, entitled "Copyrights"; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H. R. 6671. A bill to amend the Internal Revenue Code to provide for an exclusion from gross income of certain amounts received by retired individuals a part or all of whose employment since 1936 was not covered by title II of the Social Security Act, or received by survivors of such individuals; to the Committee on Ways and Means.

By Mr. REED of New York (by request):

H. R. 6672. A bill to increase the public debt limit; to the Committee on Ways and Means.

By Mr. MILLER of California:

H. J. Res. 320. Joint resolution authorizing the appropriation of $100 million for additional war damage payment in the Philippines; to the Committee on Foreign Affairs.

By Mr. KERSTEN of Wisconsin:

H. Con. Res. 178. Concurrent resolution expressing the hopes of the American people for the early reunification of Germany by free elections and for the achievement by the peoples of East Germany, Poland, Czechoslovakia, Rumania, Hungary, and other Communist-dominated countries of their basic human rights and freedoms; to the Committee on Foreign Affairs.

By Mr. JAVITS:

H. Con. Res. 179. Concurrent resolution expressing the hopes of the American people for the early reunification of Germany by free elections and for the achievement by the peoples of East Germany, Poland, Czechoslovakia, Rumania, Hungary, and other Communist-dominated countries of their basic human rights and freedoms; to the Committee on Foreign Affairs.

By Mr. KELLY of New York:

H. Con. Res. 180. Concurrent resolution expressing the hopes of the American people for the early reunification of Germany by free elections and for the achievement by the peoples of East Germany, Poland, Czechoslovakia, Rumania, Hungary, and other Communist-dominated countries of their basic human rights and freedoms; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI:

H. Con. Res. 181. Concurrent resolution expressing the hopes of the American people for the early reunification of Germany by free elections and for the achievement by the peoples of East Germany, Poland, Czechoslovakia, Rumania, Hungary, and other Communist-dominated countries of their basic human rights and freedoms; to the Committee on Foreign Affairs.

By Mr. YORTY:

H. Res. 370. Resolution authorizing the Committee on Armed Services to conduct a full and complete investigation and study of reprisals which may have been taken against members of the Air Force because of certain testimony; to the Committee on Rules.

H. Res. 371. Resolution providing funds for the expenses of the investigation and study authorized by House Resolution 370; to the Committee on House Administration.

By Mr. CELLER:

H. Res. 372. Resolution providing for a quorum call and a rollcall vote on constitutional amendments; to the Committee on Rules.

By Mr. REECE of Tennessee:

H. Res. 373. Resolution authorizing the expenditure of certain funds for the expenses of the Select Committee to Investigate Tax-exempt Foundations; to the Committee on House Administration.

MEMORIALS

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

By Mr. PRICE: Memorial of the Legislature of the State of Illinois memorializing the President and the Congress of the United States relative to an application for a convention to propose an amendment to the Constitution of the United States to provide an absolute mode of proposing amendments to the Constitution by the sovereign States and to make secure in the sovereign States their inherent power to amend the Constitution; 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. GRAHAM:

H. R. 6649. A bill for the relief of Eugene DeThassy; passed House.

H. R. 6650. A bill for the relief of Joseph Gerny; passed House.

By Mr. AYRES:

H. R. 6673. A bill for the relief of Ferdinando Pambianchi; to the Committee on the Judiciary.

By Mr. BATTLE:

H. R. 6674. A bill for the relief of Clyde E. Pearson; to the Committee on the Judiciary.

By Mr. BOLLING:

H. R. 6675. A bill for the relief of Berge Najarian; to the Committee on the Judiciary.

By Mr. BOW:

H. R. 6676. A bill for the relief of John Kagaglis; to the Committee on the Judiciary.

By Mr. BRAMBLETT:

H. R. 6677. A bill for the relief of Charles Eun-Ho Pang; to the Committee on the Judiciary.

By Mr. BUSBEY:

H. R. 6678. A bill for the relief of Dr. Ante Pavkovic; to the Committee on the Judiciary.

By Mr. CHIPERFIELD:

H. R. 6679. A bill for the relief of Dietrich Schmitt or Dieter Schmitt; to the Committee on the Judiciary.

By Mr. COUDERT:

H. R. 6680. A bill for the relief of Peter Gust Fraggakis; to the Committee on the Judiciary.

By Mr. FORAND:

H. R. 6681. A bill for the relief of Harilaos G. Tsironas; to the Committee on the Judiciary.

By Mr. HART:

H. R. 6682. A bill for the relief of Dragutin Krize Kurich; to the Committee on the Judiciary.

By Mr. HELLER (by request):

H. R. 6683. A bill for the relief of Giovanni (John) Garcich; to the Committee on the Judiciary.

H. R. 6684. A bill for the relief of Miksa (Mordechai) Schwarcz; to the Committee on the Judiciary.

H. R. 6685. A bill for the relief of Nikolaus Klein, Mrs. Rozalia Klein, and their children, Herman Klein and Adele Klein; to the Committee on the Judiciary.

By Mr. HIESTAND:

H. R. 6686. A bill for the relief of Johanna van Keulen; to the Committee on the Judiciary.

H. R. 6687. A bill for the relief of Mr. and Mrs. Heinrich Erne; to the Committee on the Judiciary.

By Mr. HOLIFIELD:

H. R. 6688. A bill for the relief of Aram Sarkisian; to the Committee on the Judiciary.

H. R. 6689. A bill for the relief of Manuel Loza; to the Committee on the Judiciary.

H. R. 6690. A bill for the relief of Guadalupe Zuniga (also known as Benita Chaparrao-Venegas or Guadalupe Acosta); to the Committee on the Judiciary.

By Mr. KELLEY of Pennsylvania:

H. R. 6691. A bill for the relief of Hedwig Katarina Weishaar; to the Committee on the Judiciary.

By Mr. LESINSKI:

H. R. 6692. A bill for the relief of Fathi Rabah Kayyali; to the Committee on the Judiciary.

By Mr. MORANO:

H. R. 6693. A bill for the relief of Ahmed Shaban Gench; to the Committee on the Judiciary.

By Mr. MULTER:

H. R. 6694. A bill for the relief of Gabriel Ioannis Kaillis; to the Committee on the Judiciary.

H. R. 6695. A bill for the relief of Olga Joannou Georgulea; to the Committee on the Judiciary.

By Mr. REES of Kansas:

H. R. 6696. A bill for the relief of Mrs. Carolyn Elizabeth Schmidt, as administrator or guardian of Paul David Schmidt, Carolyn Louise Schmidt, Calvin Dale Schmidt, Arnold Allen Schmidt, Donald Lee Schmidt, Robert Eugene Schmidt, Lorene Ellen Schmidt, and Marvin Leroy Schmidt; to the Committee on the Judiciary.

By Mr. RILEY:

H. R. 6697. A bill for the relief of J. B. Phipps; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H. R. 6698. A bill for the relief of Alexei Frank; to the Committee on the Judiciary.

By Mr. TAYLOR:

H. R. 6699. A bill for the relief of John Mitchell; to the Committee on the Judiciary.

By Mr. UTT:

H. R. 6700. A bill for the relief of Ana Maria Artukovic, Visnja M. Artukovic, Zorica D. Artukovic, and Radoslav Artukovic; to the Committee on the Judiciary.

By Mr. WILSON of California:

H. R. 6701. A bill for the relief of Margarete Seitz; to the Committee on the Judiciary.

By Mr. FALLON:

H. Res. 374. Resolution providing for sending to the United States Court of Claims the bill (H. R. 2491 for the relief of the Lacchi Construction Co.); to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

406. The SPEAKER presented a petition of Michigan Academy of Science, Arts, and Letters, Ann Arbor, Mich., requesting an increase in the appropriation for the National Science Foundation which was referred to the Committee on Appropriations.

SENATE

FRIDAY, JULY 31, 1953

(Legislative day of Monday, July 27, 1953)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

Rev. Clyde W. Meredith, Th. D., vice president, the American University, Washington, D. C., offered the following prayer:

Let us pray. Our Heavenly Father, we give thanks for this new day. With it has come new mercies from Thy heart and new opportunities for our hands. Let not our minds be clouded today by untenable bigotries. Let not our hearts be chilled by selfish endeavors. May we never forget that righteousness exalteth a nation but sin is a reproach to any people.

Grant, therefore, O God, that the decisions of this day shall provoke Thy blessing. Across all our yesterdays discerning minds detect the hand of a gracious God guiding this Nation. Be pleased, our Father, to extend those divine interpositions into all our tomorrows.

May we know how to work with Thee in healing the hurts of past hostilities among men. Turn our attention to higher motives and beget within all of us the willingness to follow the Prince of Peace. We pray in the name of Him whom having not seen, we love—the name of Jesus Christ, our Lord.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., July 31, 1953.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. BARRY M. GOLDWATER, a Senator from the State of Arizona, to perform the duties of the Chair during my absence.

STYLES BRIDGES,
President pro tempore.

Mr. GOLDWATER thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, July 30, 1953, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on today, July 31, 1953, the President had approved and signed the following acts:

S. 67. An act for the relief of Anastasia John Tsamisis;

S. 69. An act for the relief of Dr. Peter C. T. Kao;

S. 486. An act for the relief of Che Kil Bok;

S. 669. An act for the relief of Helene Olga Iwasenko; and

S. 2399. An act to amend the Atomic Energy Act of 1946, as amended.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that immediately following the quorum call, there may be the customary morning hour to enable Senators to introduce bills and joint resolutions, to make insertions in the RECORD, and to transact other routine business, with the usual limitation on speeches of 2 minutes.

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

EXECUTIVE SESSION

Mr. KNOWLAND. Mr. President, I move that the Senate proceed to the consideration of executive business, for action on nominations under the heading "New Reports."

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Gustav F. Doscher, Jr., of South Carolina, to be collector of customs for customs collection district No. 16, with headquarters at Charleston, S. C., which was referred to the Committee on Finance.

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nominations on the Executive Calendar under the heading "New Reports" will be stated.

UNITED NATIONS

The legislative clerk read the nomination of Henry Cabot Lodge, Jr., of Massachusetts, to be a representative of the United States of America to the eighth session of the General Assembly of the United Nations.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of James F. Byrnes, of South Carolina, to be a representative of the United States of America to the eighth session of the General Assembly of the United Nations.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Mrs. FRANCES PAYNE BOLTON, of Ohio, to be a representative of the United States of America to the eighth session of the General Assembly of the United Nations.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of JAMES P. RICHARDS, of South Carolina, to be a representative of the United States of America to the eighth session of the General Assembly of the United Nations.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Archibald J. Carey, Jr., of Illinois, to be an alternate representative of the United States of America to the eighth session of the General Assembly of the United Nations.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of James David Zellerbach, of California, to be an alternate representative of the United States of America to the eighth session of the General Assembly of the United Nations.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Henry Ford II, of Michigan, to be an alternate representative of the United States of America to the eighth session of the General Assembly of the United Nations.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Dr. Charles W. Mayo, of Minnesota, to be an alternate representative of the United States of America to the eighth session of the General Assembly of the United Nations.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Mrs. Oswald B. Lord, of New York, to be an alternate representative of the United States of America to the eighth session of the General Assembly of the United Nations.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

INTERNATIONAL DEVELOPMENT BOARD

The legislative clerk read the nomination of Eric A. Johnston, of Washington, to be Chairman of the International